

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5915 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A3 and A4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.1183 of 2014 on the file of VII Additional Judicial I Class Magistrate, Rajahmundry.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) for the State before notice to respondent No.1/*de facto* complainant and before admission.

On perusal of the material on record, as it falls short to quash the proceedings of cognizance taken by the learned Magistrate under Section 190 r/w 200 Cr.P.C. on the private complaint filed by the *de facto* complainant so far as against A3 and A4 from the fact that earlier against four accused the crime was registered and police investigated and final report filed charging only A1 and A2 and not showing as A3 and A4.

The contention of the learned counsel for the petitioner herein is that there is no basis for taking cognizance belatedly, there is nothing before this Court as to any notice given by the police while filing partly referred report and partly charge sheet, much less by the learned Magistrate in accepting the information of the police while taking cognizance only against A1 and A2 under Section 190 Cr.P.C. These aspects can raise by the learned counsel for the petitioners before the trial Court as the procedure is private warrant case procedure by filing an application under Section 245 Cr.P.C. if no grounds to frame charges after recording sworn statements of the complainant

and other witnesses under Section 244 Cr.P.C. If at all further aggrieved, remedy is left open to the petitioners. Needless to say, if any application is filed to represent one accused on behalf of other accused under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall hear and permit with necessary conditions.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 08-07-2015

pab