

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.10103 of 2015

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ORDER :

This criminal petition is filed by the petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.637 of 2010 on the file of the III Metropolitan Magistrate, Visakhapatnam, for the offence punishable under Section 420 IPC.

2. Heard the learned counsel for the petitioner as well as the 1st respondent-State represented by the Public Prosecutor, before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The above calendar case is an out come of the report of the 2nd respondent-*de facto* complainant and the learned Magistrate has taken cognizance for the offence referred supra.

4. The material in fact falls short for this Court to admit the application to quash the calendar case proceedings. Hence, the criminal petition is disposed of giving liberty to the petitioner/A.3 to move an application before the learned Magistrate, if there are no grounds to frame charges under Section 239 read 240 Cr.P.C. and the learned Magistrate there from to hear and decide based on the prosecution material as per the expression of the Apex Court in **State of Orissa v. Debendranath Padhi**. Needless to say further, in the event of filing any application under Section 205 Cr.P.C., the learned Magistrate shall hear and permit to represent through Special Vakalat holder, with necessary conditions of personal appearance as and when required.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

5th October 2015.

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