

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3761 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/accused Nos.1 to 4 to quash the proceedings dated 14.07.2014 in C.C.No.611 of 2014 on the file of II Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

2 . Heard the learned counsel for petitioners-A.1 to A.4 as well as the first respondent- State representing through the Public Prosecutor before ordering any notice to the second respondent/ *de facto* complainant herein before admission and perused the material on record covered by the charge sheet taken cognizance by the learned Magistrate in C.C.No.611 of 2014 that is impugned for question herein.

3 . As the material falls short even to admit the application under Section 482 Cr.P.C., but for the remedy is to approach the trial Court to seek for discharge either by filing application under Section 239 Cr.P.C. or while hearing for framing of charges under Sections 239 and 240 Cr.P.C. if there are no grounds to frame charge on any of the penal offences mentioned in the charge sheet taken and the criminal petition is disposed of by giving liberty to the petitioner to approach the learned Magistrate by filing application under Rule 37. In such an event, the learned Magistrate shall consider and dispense with personal appearance of all accused by permitting one to represent others unless their personal appearance for any particular adjournments so to direct.

4. Consequently, miscellaneous petitions, if any, pending in this petition, shall stand disposed of.

Dr. B.SIVA SANKARA RAO J,

Date:2nd June, 2015

PNV