

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF
ANDHRA PRADESH**

CRIMINAL PETITION No.6615 of 2015

Between:

Kosuru Bala Krishna and 2 others

... Petitioners

and

The State of Andhra Pradesh rep. by its Public Prosecutor
& another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 27-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.6615 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 to 3 under Section 482 Cr.P.C to quash the proceedings in P.R.C. No.5 of 2014 on the file of the Judicial Magistrate of the First Class, Narsannapet, which is the outcome of Crime No.142 of 2012 of Polaki Police Station registered for the offences punishable under Sections 376, 417, 342 read with 34 I.P.C and Section 109 I.P.C and Sections 3(1)(x) and (xii) and Section 2(1) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor, before admission, before issuing notice to the 2nd respondent and perused the material on record.

3) In fact no part-II C.D. even filed and as the material falls short for this Court even to admit the application for quashing the above mentioned P.R.C proceedings, this petition is disposed of with a direction to the learned Magistrate as committal proceedings are almost a post office duty under Section 209 Cr.P.C but for complaining with clauses (a) to (d) for in turn taking cognizance by the learned Sessions Judge under Section 193 Cr.P.C and thereafter the accused can face trial under Sections 226 to 228, given liberty to file an application under Section 227 Cr.P.C to discharge for any of accused and on any of the offence if there are no grounds for the learned Sessions Judge to pass order on merits including by consideration of the so called

compromise between the parties, if any, subject to hearing of the defacto-complainant. Needless to say the accused can file an application under Rule 37 of Criminal Rules of Practice and in such an event, the learned Sessions Judge shall consider and permit one of the accused to represent other accused with necessary conditions.

4) With the above observations, this criminal petition is disposed of. Consequently, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.07.2015
ksh