

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9962 of 2015

ORDER :

This petition is filed by the petitioners/A-1 to A-3 under section 482 Cr.P.C seeking to quash the proceedings in C.C. No.742 of 2015 on the file of Additional Judicial Magistrate of the First Class, Nandigama, Krishna District which is the outcome of report of 2nd respondent/defacto-complainant in Crime No.139 of 2015 of Kanchikacherla Police Station registered for the offences punishable under Sections 448, 427, 323, 509, 506 read with 34 I.P.C and the police after investigation filed final report that was taken cognizance by the learned Magistrate.

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

3) A perusal of the entire case material, which falls short for this Court even to admit the quash petition and hence disposed of the same giving liberty to the petitioner to file a petition under Section 258 Cr.P.C to discharge from the charges if there are no grounds to frame charge and the learned Magistrate to decide the same basing on

the prosecution material vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say that the petitioner are at liberty to file an application under Rule 37 of Criminal Rules of Practice and the learned Magistrate shall hear and permit one to represent others in the proceedings with necessary conditions including personal appearance as and when necessary.

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

Dr. B. SIVA SANKARA RAO, J

28.10.2015

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^[1] (2005)1 SCC 568