

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5835 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioners/ accused Nos.2 to 6 & 8 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.399 of 2014 on the file of Judicial Magistrate of First Class, Sullurpet, where the learned Magistrate taken cognizance for the offences punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act.

2) Heard learned counsel for the petitioners/ accused Nos.2 to 6 and 8 as well as learned public prosecutor representing 1st respondent—State before admission and before ordering notice to 2nd respondent. Perused the material on record.

3) As the material falls short for this Court to admit the application under Section 482 Cr.P.C, the same is disposed of giving liberty to petitioners to file an application under Section 239 Cr.P.C before the learned Magistrate concerned if no ground to frame charges in seeking for discharge vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say if the petitioners want to impugn in the event of any charges framed left open, if the petitioners file an application under Rule 37 Cr.R.P, the learned Magistrate shall hear and permit them so to represent with necessary

conditions including personal appearance as and when required.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.03.07.2015
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Date: 03.07.2015

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[\[1\]](#) AIR 2005 SC 359