

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7237 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioners/ accused Nos.1 to 5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.440 of 2015 on the file of Judicial Magistrate of First Class, Kadapa, where the learned Magistrate has taken cognizance for the offences under Sections 498-A and 506 IPC and Sections 3 & 4 of Dowry Prohibition Act, which is out come of Crime No.25 of 2015 of women Police Station, Gudur, SPSR Nellore District, from the report of de facto complainant.

2) Heard learned counsel for the petitioners/ accused Nos.1 to 5 as well as 1st respondent—State represented by learned public prosecutor before admission and before ordering notice to respondent No.2—de facto complainant. Perused the material on record.

3) Undisputedly, no part-II CD is filed even the factual matrix falls short to admit the Criminal Petition to quash the proceedings in C.C. No.440 of 2015 which was taken cognizance by the learned Magistrate for the offences supra, the Criminal Petition is disposed of, giving liberty to petitioners to file an application under Section 239 r/w 240 Cr.P.C before the learned Magistrate, if no grounds to frame charge, shall decide on its own merits from the prosecution material only vide ***State of Orissa vs. Debendra Nath***

Padhi^[1]. Needless to say, if any application filed under Rule 37 Cr.R.P, by any of the accused on behalf of other accused, the learned Sessions Judge, shall permit with necessary conditions.

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

Dr. B. SIVA SANKARA RAO, J

Dt.19.08.2015
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Date: 19.08.2015

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