

**1IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.6950 of 2015

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Between:

Kanuru Sundara Rao & 3 others

.. Petitioners/ accused Nos.2 to 5

And

Kanuru Sridevi & another

.. Respondents/ de facto
Complainant/ respondent No.1

DATE OF JUDGMENT PRONOUNCED: 04-08-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers
Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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ORDER :

This Criminal Petition is filed by the Petitioners/

accused Nos.2 to 5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.138 of 2015 on the file of Additional Judicial Magistrate of First Class at Bobbili, where the learned Magistrate has taken cognizance for the offences under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, which is outcome of the report of 1st respondent—de facto complainant in Crime No.415 of 2015 of Bobbili Police Station, Vizianagaram District.

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

3) As the material falls short for this Court to admit the application filed 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 trial Court if no grounds for framing charges under Section 240 Cr.P.C before the learned Magistrate to decide on own merits from the prosecution material only vide ***State of Orissa vs. Debendra Nath Padhi***^[1]. Needless to say, if the petitioners/ accused Nos.2 to 5 along with accused No.1, file an application under Rule 37 Cr.R.P to permit one accused to represent on behalf of other accused and the learned Magistrate shall hear and consider the same with necessary conditions. Further remedy is left open, in the event of

police after filing final report and after taking cognizance by the learned Magistrate.

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

Dr. B. SIVA SANKARA RAO, J

Dt.04.08.2015

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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Date: 04.08.2015

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