

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5149 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 to A.4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.327 of 2011 on the file of the learned Judicial Magistrate of First Class, Jaggaiahpet, for the offences punishable under Sections 420, 341, 509 and 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor before admission and before ordering any notice to the 2nd respondent and perused the material on record.

3. The contention of the learned counsel for the petitioners is that there are civil disputes between the parties and the husband of the de facto complainant filed O.S.No.11 of 2015 for specific performance of contract of sale.

4. The learned Magistrate has taken cognizance from the final report filed by the police. As the material falls short for this Court even to admit the application under Section 482 Cr.P.C., the same is disposed of giving liberty to the petitioners to move an application under Section 239 Cr.P.C. before the learned Magistrate, if there is any material from the prosecution case to frame charges or to

seek discharge, the learned Magistrate there from to consider only from the prosecution material as laid down by the Apex Court in **State of Orissa v. Debendranath Padhi**^[1] and pass appropriate orders. Needless to say, in the event of filing an application by the petitioners under Rule 37 of the Criminal Rules of Practice, the learned Magistrate shall consider to permit one of the accused to represent the other accused and pass orders so permitting unless any personal appearance is required to all for any specific adjournment so to appear.

5. Accordingly, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand dismissed

Dr. B. SIVA SANKARA RAO, J

22nd June 2015.

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^[1] (2005) 1 SCC 568