

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9158 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/A1 to A4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.126 of 2015 on the file of Additional Chief Metropolitan Magistrate, Hyderabad, where the learned Magistrate has taken cognizance for the offences punishable under Sections 324, 509 r/w 34 I.P.C., which is out come of the report of the 2nd respondent-*de facto* complainant that was registered by Panjagutta Police Station, Hyderabad, in crime No.1185 of 2014, and after investigation filed the final report that was taken cognizance by the Magistrate supra.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission.

Perused the material on record. As the material falls short for this Court to admit the application to quash the cognizance taken by the Magistrate for the said offences against the accused, the same is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned if no grounds to frame charge

under Section 240 Cr.P.C. in such an event the learned Magistrate shall hear and pass appropriate orders on own merits from the prosecution material vide **State of Orissa v. Debendranath Padhi**. In the event of framing charges, the petitioners shall approach this Court by impugning the same with any substantial material.

Needless to say, if the petitioners file an application under Section 37 of Criminal Rules of Practice for one to represent others, the learned Magistrate shall hear and permit the same with necessary conditions of personal appearance, as and when required.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:01-10-2015

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