

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8194 of 2015

ORDER:

This Criminal Petition is filed by the petitioners/A.1 to A.11 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.81 of 2014 on the file of Additional Judicial Magistrate of First Class, Tiruvuru, registered for the offences punishable under Sections 498-A, 323, 324 and 506 read with 34 IPC and sections 3 and 4 of Dowry Prohibition Act, which is out come of the report of the 2nd respondent/*de facto* complainant in Crime No.49 of 2013 of A.Konduru Police Station, Krishna District. Police after investigation, filed a final report that was taken cognizance by the learned Magistrate for the offences supra.

2. Heard learned counsel for the petitioners/A.1 to A.11 and also the 1st respondent represented by the Public Prosecutor before admission and before issuing notice to the 2nd respondent/*de facto* complainant and perused the material on record.

3. A perusal of the material on record, the material falls short of this Court even to admit the application under Section 482 Cr.P.C to quash the proceedings but for giving liberty to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned to hear and decide the same on its own merits whether there are any grounds for discharge or to frame any lesser charge or the like vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say, if any application filed under Rule 37 of Criminal Rules of Practice to represent the petitioners/A.1 to A.11 or else any petition filed by the petitioners under Section 205 Cr.P.C to represent through Special Vakalat, the learned Magistrate shall permit them including for examination on charges in the event of framing charges.

4. With the above observations, the petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

SEPTEMBER 22, 2015

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Date: 22.09.2015

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[\[1\]](#) (2005)1 SCC 568