

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3974 of 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/accused Nos.1, 5 and 6 to quash the proceedings in C.C.No.2200 of 2014 on the file of I Additional Chief Metropolitan Magistrate, Visakhapatnam City, dated 24.11.2014 and that was taken cognizance by the learned Magistrate against them for the offences punishable under Sections 420, 448 and 506 r/w 34 IPC.

2. Heard the learned counsel for petitioners-A.1, A.5 and A.7 as well as the first respondent- State representing through the Public Prosecutor before ordering any notice to the second respondent/ *de facto* complainant herein before admission and perused the material on record.

3 . As the material falls short even to admit the application under Section 482 Cr.P.C., but for giving liberty to the petitioners to approach the trial Court and file any application or orally submit any arguments before hearing on charges under Sections 239 r/w 240 Cr.P.C. if there is any material from the prosecution case vide decision reported in **State of Orissa v Debendranath Padhi** for discharge to consider on its own merits. Needless to say if the petitioners filed any application under Rule 37 of the Criminal Rules of Practice to permit one of the accused to represent the others, the learned Magistrate after hearing, shall consider with necessary conditions.

4. Consequently, miscellaneous petitions, if any, pending in this petition, shall stand disposed of.

Dr. B.SIVA SANKARA RAO J,

Date:5th June, 2015

PNV