

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7993 OF 2014

ORDER:

This Criminal Petition is filed by the petitioners/A1 and A2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.897 of 2013 on the file of X Additional Chief Metropolitan Magistrate, Secunderabad, wherein cognizance was taken for the offence punishable under Sections 447, 427, 420, 120-A r/w 34 I.P.C.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Telangana) for the State before notice to respondent No.2/*de facto* complainant and before admission.

On perusal of the material on record, as it falls short to admit the application under Section 482 Cr.P.C for no Part-II Case Diary is enclosed, this application is disposed of giving liberty to the petitioners to approach the learned Magistrate concerned by filing an application under Section 239 Cr.P.C if there are no grounds to frame charges under Section 240 Cr.P.C. Needless to say, from the prosecution material the learned Magistrate shall decide the discharge application under section 239 Cr.P.C. r/w 240 Cr.P.C vide **State of Orissa v. Debendranath Padhi**^[1].

In the event of petitioners file an application under Rule 37 of Criminal Rules of Practice to permit one among all the accused to represent, the learned Magistrate after hearing shall

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: 07-07-2015

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