

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5029 OF 2015

ORDER:

This Criminal Petition is filed by the petitioners/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.191 of 2011 on the file of Additional Judicial First Class Magistrate, Yelamanchali, Visakhapatnam District, in connection with Crime No.66 of 2010 of Visakhapatnam Police Station, for the offence punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Andhra Pradesh) 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, this application is disposed of giving liberty to the petitioners to move an application under Section 239 Cr.P.C before the learned Magistrate concerned to consider from the prosecution material and decide the application under section 239 Cr.P.C. r/w 240 Cr.P.C vide **State of Orissa v. Debendranath Padhi**^[1], needless to say in the event of framing charges any remedy is left open to the petitioners. Apart from it, as the petitioners are stating that they are feeling difficulty to attend the Court for each and every adjournment, the learned Magistrate shall consider in the event of filing 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 to represent one

among others unless their personal appearance is required for any specific adjournment.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 18-06-2015

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