

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.8394 of 2015

ORDER :

This Criminal Petition is filed by the petitioners/A2 to A6 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.164 of 2014 on the file of Special Mobile Judicial First Class Magistrate, Kakinada, wherein the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A r/w 34 I.P.C. and 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and also the respondent-State represented by the Public Prosecutor before admission and perused the material on record.

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]. Needless to say, if any application is filed to represent one accused on behalf of other accused under Rule 37 of Criminal Rules of Practice, the learned Magistrate shall hear and permit with necessary conditions. If any charges are framed, further remedy is left open to the petitioners.

Accordingly, this criminal petition is disposed of.

The miscellaneous petitions, if any pending, shall stand

closed.

Dr. B. SIVA SANKARA RAO, J

Date:31-08-2015
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[\[1\]](#) (2005)1 SCC 568