

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6423 of 2015

ORDER :

The Criminal Petition is filed by the petitioners/Accused Nos.1 to 3 under Section 482 Cr.P.C to quash the proceedings in C.C. No.97 of 2015 on the file of Special Mobile-cum-Judicial Magistrate of the First Class, Kurnool basing on the private complaint for the offences punishable under Sections 323 and 506 I.P.C.

2) Heard the learned counsel for the petitioners and the 2nd respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 1st respondent and perused the material on record.

3) The learned Magistrate taken cognizance for the offences punishable under Section 506 I.P.C though wrongly mentioned in the grounds under Section 323 I.P.C which is originally of a private complaint the same was referred by police for investigation and the police registered the crime for the offence under Section 323 I.P.C and ultimately filed final report as allegations are untrue. On protest application filed by the defacto-complainant/1st respondent, the learned Magistrate proceeded as a complaint case and taken cognizance, needless to say even the cognizance taken is for the non-cognizable offence viz., Section 506 I.P.C. A perusal, in fact, the material falls short for this Court to admit the application under Section 482 Cr.P.C at this stage to quash the calendar case proceedings, this petition is disposed of giving liberty to the petitioners to file an application under Rule 37 of Criminal Rules of Practice by the petitioners, the learned Magistrate shall consider and permit one of the accused to represent on behalf of all other accused with necessary conditions of personal appearance as and when required.

4) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13.10.2015

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