

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.13188 of 2014

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 to 3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.163 of 2014 on the file of IV Additional Junior Civil Judge at tirupati, Chittoor District registered for the offences punishable under Sections 498-A, 506 read with 34 I.P.C and Sections 3 and 4 of the Dowry Prohibition Act.

2) Heard the learned counsel for the petitioners/accused Nos.1 to 3 and the 1st respondent-State represented by the Public Prosecutor before admission and before issuing notice to the 2nd respondent and perused the material on record.

3) A perusal of the material on record, the material falls short of this Court even to admit the application under Section 482 Cr.P.C to quash the proceedings but for the giving liberty to the petitioners to file an application under Section 239 Cr.P.C. before the learned Magistrate concerned to hear and decide the same on its own merits whether there are any grounds for discharge or to frame any lesser charge or the like vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say the petitioners are given liberty to file an application under Rule 37 of

Criminal Rules of Practice to represent by any one of the accused or if any petition filed by the petitioners under Section 205 Cr.P.C to represent through Special Vakalat, the learned Magistrate shall permit them.

4) With the above observations, the petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

29.06.2015

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