

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.3847 of 2015

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ORDER :

This criminal petition is filed under Section 482 Cr.P.C. by the petitioners/A.2 and A.3 seeking to quash the proceedings in C.C.No.2361 of 2014 on the file of the Judicial First Class Magistrate, Nalgonda, for the offence punishable under Section 498-A IPC.

2. Heard, the learned counsel for the petitioners/A.2 and A.3 in Crime No.42 of 2014, covered by C.C.No.2361 of 2014 that was registered on the report of the de facto complainant-2nd respondent herein, and the 1st respondent-State represented by the learned Public Prosecutor, before hearing for admission and before ordering notice to the 2nd respondent and perused the material on record.

3. The petitioners now seeking to quash taking cognizance of the offence by the learned Magistrate against the petitioner and other accused for the offence under Section 498-A IPC with contentions that the F.I.R. covered by Crime No.42 of 2014, dated 07.06.2014, only speaks against the husband of the de facto complainant (A.1) and not on her in-laws, who are the petitioners herein, and there is no material for the police from the investigation to file charge sheet against these petitioners, no other than the in-laws of the victim, and charge sheet also nowhere speaks how the instigation by A.2 and A.3 made out against the victim, hence to quash the accusation and taking of cognizance.

4. In fact, a perusal of the material falls short to admit the application under Section 482 Cr.P.C. but for giving liberty to the petitioners to file any application under Section 239 Cr.P.C., if grounds to seek for discharge to decide on own merits from the material of the persecution available on record as laid down by the Apex Court in

State of Orissa v. Debendra Nath Padhi. Needless to say, in the event of filing an application by accused under Rule 37 Criminal Rules of Practice, the learned Magistrate shall consider to permit one of the accused to represent the other accused in the case.

5. With the above observations, the criminal petition is disposed of.

6. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

4th June 2015.

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