

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.12967 of 2014

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners/A.2 and A.3 in C.C.No.474 of 2013 on the file of the III Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad, where the offences taken cognizance under Section 420 read with 34 of I.P.C. to quash the proceedings in said case.

2. Heard the learned counsel for the petitioners/A.2 and A.3 so also the learned Public Prosecutor representing State before ordering notice to the de facto-complainant and perused the material on record.

3. As the material falls short for this Court to admit the application under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.474 of 2013, the Criminal Petition is disposed of. It is left open to the petitioner to file an application under Section 216 of Cr.P.C. if at all there is any material from the Prosecution case as envisaged by the Apex Court in **State of Orissa Vs. Debendra Nath Pathi**^[1] to consider for any discharge on own merits irrespective of earlier fanning of charges under Section 240 Cr.P.C. Needless to say if they want to be represented by one instead of all, the learned Magistrate shall permit by allowing the petition under Rule 37 of the Criminal Rules of Practice unless their presence is required for any specific adjournments. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 19.06.2015
Vvr

^[1] (2003) 2 SCC 711]