

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5865 of 2015

ORDER :

This criminal petition is filed by the petitioners/Accused under Section 482 Cr.P.C to quash the proceedings in C.C. No.521 of 2014 on the file of the Judicial Magistrate of the First Class, Anaparthi, East Godavari District, outcome of the report of the 1st respondent in Crime No.102 of 2014 of Biccavole Police Station registered for the offences punishable under Section 498-A 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 and the 2nd respondent-State represented by the Public Prosecutor, before admission, before issuing notice to the 2nd respondent and perused the material on record.

3) The facts of the case fall short for this Court to admit the application under Section 482 Cr.P.C to quash the proceedings, the same is disposed of giving liberty to the petitioners to file an application under Section 239 Cr.P.C before the learned Magistrate and the learned Magistrate shall consider only from the prosecution material as per the expression laid down by the apex Court in ***State of Orissa V. Debendranath Padhi***^[1]. In the event of any charges framed earlier, further remedy left open to the petitioners. If

the petitioners file any application under Rule 37 of the Criminal Rules of Practice seeking permission to represent one for the other accused before the learned Magistrate, the learned Magistrate shall hear and permit the same with necessary conditions including personal appearance as and when required.

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

Dr. B. SIVA SANKARA RAO, J

06.07.2015
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[\[1\]](#) (2005)1 SCC 568