

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7784 of 2015

ORDER :

The present criminal petition is filed by the petitioners/A-1 to A-4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.37 of 2015 on the file of Judicial Magistrate of the First Class, Siddipet, Medak District in which, it appears, the learned Magistrate framed charges, after hearing both sides, for the offences punishable under Sections 498-A I.P.C and Sections 3 and 4 of the Dowry Prohibition Act among other penal sections of I.P.C if any. The charges are not before this Court.

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

3) It is the submission of the learned counsel for the petitioners that apart from the statement of L.W-1, in variance in her very report so far as alleged beating by A-1 with hands in the statement, whereas in her private complaint, she mentioned as husband thrown gas cylinder and others beat and it is also pointed out that in the final report filed by the Police from perusal of the independent statements of L.Ws 4 to 7 of A-4 who is no other than sister-in-law of the defacto-complainant has been residing at Vemulawada at her in-laws house since date of marriage

and she is nothing to do with the alleged harassment pleaded by the defacto-complainant and even thereafter by recording the sworn statements from the protest petition, the learned Magistrate taken cognizance.

4) In fact, the charges framed also includes the role of A-4 before the trial Court and the case is coming for trial. In the material placed reliance, there is nothing other than prosecution material, foreign to it, even that can be placed reliance in a quash proceedings, for this Court to consider.

5) Having regard to the above, the facts fall short for this Court to admit the application to quash the calendar case proceedings but disposed of giving liberty to the petitioners to file an application under Rule 37 of Criminal Rules of Practice to represent one on behalf of other accused and in such an event, after hearing, the learned Magistrate shall permit subject to conditions of personal appearance of any of them as and when required.

6) 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

03.09.2015
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