

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P.No.5889 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners A.1 to A.8 in C.C.No.343 of 2014 of XV Additional Chief Metropolitan Magistrate at Hyderabad, praying to quash the proceedings in said case.

2. Heard the learned counsel for the petitioners 1 to 8 so also the learned Public Prosecutor representing State-1st respondent before ordering notice to the 2nd respondent/defacto-complainant and before admission and perused the material on record.

3. The learned Magistrate taken cognizance against the petitioners for the offences under section 498-A of I.P.C. and under Sections 3 of the Dowry Prohibition Act. It is pursuant to which they put forth their appearance and execute bonds for those earlier not executed pursuant to any bail so far. It is the submission that in the year 2013 itself there was a talak pronounced and certified by Quazi and there is no relation of man and wife for the time so far report given by the defacto-complainant-2nd respondent against the 1st petitioner-husband as well as other relatives of him and police did not consider this aspect investigating the case, that too, the alleged occurrence about 8 months prior to the date of report.

4. The petitioners appear before the learned Magistrate concerned and execute self-bonds under Sections 88/89 Cr.P.C. for those not earlier obtained bail and execute bonds. Needless to say, the petitioners to file application under Rule 37 of Criminal Rules of Practice to represent by one of the accused persons on behalf of all, in such an event, the learned Magistrate to permit the petitioners so for the regular adjournments unless personal presence is required for any particular adjournments. It is left open to them if they want to file application under Section 239 Cr.P.C. before the learned Magistrate for no grounds to charge only from the prosecution material as envisaged by the Apex Court in **State of Orissa Vs. Debendra Nath Pathi**^[1]. Any other remedy

is left open in the event of charges framed and if it is aggrieved.

5. In the result, the Criminal Petition is disposed of. Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 29.06.2015

Vvr

[\[1\]](#) (2003) 2 SCC 711]