

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

CRIMINAL PETITION No.6490 of 2015

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Between :

Ande Murali S/o.Sayanna
and another.

... Petitioners/Accused Nos.1 and 7

AND

The State of Telangana,
Rep. by its Public Prosecutor
and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

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ORDER :

This criminal petition is filed by the petitioners/A.1 and A.7 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.405 of 2014 on the file of the learned IV Metropolitan Magistrate, Ibrahimpatnam, Ranga Reddy District, where the learned Magistrate has taken cognizance of the offences punishable under Sections 417, 420, 406, 506, 468, 471 and 474 read with 34 IPC.

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 any notice to the 2nd respondent and perused the material on record.

3. As the material falls short for this Court even to admit the application under Section 482 Cr.P.C. for no part-II C.D. even filed to impugn the proceedings in C.C.No.405 of 2014, hence, remedy is left open to the petitioners to move an application under Section 239 Cr.P.C. before the learned Magistrate, if there are no grounds to frame charges under Section 240 Cr.P.C. or to seek discharge, the learned Magistrate there from to consider only from the prosecution material on own merits

as laid down by the Apex Court in **State of Orissa v.**

Debendranath Padhi^[1] and pass appropriate orders.

Needless to say further, in the event of filing any application either under Section 205 Cr.P.C. or under Rule 37 of the Criminal Rules of Practice on behalf of the petitioners and the other accused, the learned Magistrate shall hear and consider with necessary conditions to permit one of the accused to represent the other accused through Special Vakalat holder.

4. Accordingly, the criminal petition is disposed of.

5. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

22nd July 2015.

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^[1] (2005) 1 SCC 568