

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7568 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/ accused Nos.3 and 4 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.607 of 2011 on the file of Judicial First Class Magistrate, Siddipet, Medak District, where the learned Magistrate has taken cognizance for the offences punishable under Sections 498-A, 323 IPC and Sections 3 & 4 of Dowry Prohibition Act, outcome of report of 2nd respondent—de facto complainant, no other than wife of petitioner/ accused No.1, in Crime No.182 of 2011 of Kukunoorpally Police Station, Medak District against the accused No.1—husband, accused No.2—father-in-law and accused No.3—sister-in-law's husband of de facto complainant and accused No.2—junior paternal uncle's son.

2) Heard learned counsel for the petitioners/ accused Nos.3 and 4 as well as learned public prosecutor representing 2nd respondent—State before admission and before ordering notice to 1st respondent. Perused the material on record.

3) It is the submission of the learned counsel for petitioner that a stray sentence is noticed as if they instigated accused No.1 for harassing or beating the de

facto complainant but for that there is no iota of material to involve them and it is nothing but a false implication to rope them for the sin of their immediate relationship with A1's family.

4) As the facts falls short for this Court to admit the application under Section 482 Cr.P.C, the Criminal Petition is disposed of giving liberty to petitioners, to raise the contentions in the course of hearing on charges by filing an application to discharge under Section 239 Cr.P.C before the learned Magistrate concerned if no ground to frame charges under Section 240 Cr.P.C vide ***State of Orissa vs.***

Debendra Nath Padhi^[1]. Needless to say in the event of filing an application under Rule 37 Cr.R.P by these petitioners and accused No.1 for one to represent others, the learned Magistrate shall hear and permit them so to represent with necessary conditions including personal appearance as and when required.

5) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.08.09.2015
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Date: 08.09.2015

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