

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6016 of 2015

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ORDER :

This 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.1546 of 2014 on the file of the learned Additional Judicial First Class Magistrate, Kurnool, where the learned Magistrate has taken cognizance of the offences punishable under Section 498-A read with 34 IPC and Section 4 of the Dowry Prohibition Act, 1961, which is outcome of the report of the *de facto* complainant-2nd respondent against the accused persons in Crime No.165 of 2014 of Kurnool Police Station, Kurnool District.

2. Heard the learned counsel for the petitioners as well as the 1st respondent-State represented by the Public Prosecutor and perused the material on record.

3. It is the contention of the learned counsel for petitioners that besides the 2nd petitioner, who is mother of the 1st petitioner-husband of the *de facto* complainant, residing with the 3rd petitioner/A.3, her another son at Tadipatri, where he is working as Executive Engineer in BSNL, petitioner No.4, no other than the married sister of the 1st petitioner, is resident of Nandyal, where she is working in a school and that on 14.06.2014 she stated to be on duty in the school.

4. The F.I.R. registered is from the report of the *de facto* complainant dated 21.06.2014. It is the submission of the learned counsel for the petitioners that on 14.06.2014, leave about the earlier incidents, petitioner Nos.1 to 3 supra altercated with the *de facto* complainant and according to the petitioners it is a false statement as the school certificate of Good Shepherd English Medium School, Nandyal, shows, the 4th petitioner was on duty in the School on 14.06.2014.

5. The fact short falls for this Court only from that ground to admit the application for quashing, but for giving liberty to the petitioners to file 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., 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** and pass appropriate orders. Needless to say, in the event of filing any application under Rule 37 of the Criminal Rules of Practice on behalf of the petitioners, petitioner No.1/A.1 to represent for all the petitioners, the learned Magistrate shall hear and consider the same with necessary conditions as petitioner Nos.2 and 3 in the cause title shown to be residents of Tadipatri Town of Anantapuram District.

6. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

17th July 2015.

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