

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9777 of 2015

-

ORDER :

This criminal petition is filed by the petitioners/A.1 to A.17 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.878 of 2014 on the file of the learned Judicial Magistrate of First Class, Mahabubnagar, for the offences punishable under Sections 498-A and 494 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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. The material in fact falls short for this Court to admit the application to quash the calendar case proceedings.

4. Hence, the criminal petition is disposed of giving liberty to the petitioners/A.1 to A.17 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. 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** and pass appropriate orders. Needless to say further, in the event of filing of application by the petitioners under Rule 37 of the Criminal Rules of Practice, the learned Magistrate shall hear and consider with necessary conditions to permit one of the accused to represent the other accused. Further remedies, if any, are left open to the petitioners.

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

Dr. B. SIVA SANKARA RAO, J

6th October 2015.

mar