

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7063 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/accused under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.613 of 2015 on the file of XXIII Metropolitan Magistrate, Cyberabad, Rajendranagar, Hyderabad registered for the offence punishable under Section 353 IPC from the police final report outcome of Cr.No.110 of 2015 on the report of 2nd respondent/defacto complainant.

2) Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) A perusal of the record including additional material of Part-II CD of LWs 1 to 4, the material falls short to admit the application to quashing the proceedings of C.C.No.613 of 2015 but for the Criminal Petition is disposed of giving liberty to the petitioners to file application under Section 258 Cr.P.C. if there is no material to proceed with trial to consider from the prosecution material as laid down in State of Orissa V. Debendranath Padhi^[1]. Needless to say if the petitioner

files any application under Section 205 Cr.P.C. through Special Vakalat holder the learned Magistrate shall permit to so represent with necessary conditions including personal appearance as and when required like for examination under Section 251 Cr.P.C. and 313 Cr.P.C. respectively and as it is a summons case, the learned Magistrate shall make every endeavour for disposal of the case preferably within six months from the date of receipt of the order.

Consequently, the miscellaneous petitions pending if any shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19-08-2015
nvl

[\[1\]](#) (2005)1 SCC 568