

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7285 of 2015

ORDER :

This petition is filed by the petitioner/A-1 under Section 482 Cr.P.C seeking to quash the proceedings in C.C. No.735 of 2014 on the file of I Additional Judicial Magistrate of the First Class, Bhimavara, West Godavari District which is the outcome of Crime No.12 of 2007 of I Town Police Station, Bhimavaram registered at the instance of the 2nd respondent herein for the offences punishable under Sections 120-B, 420, 468, 471, 467, 409 I.P.C.

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 material, in fact, falls short to admit the application to quash the proceedings referred supra but for to dispose of giving liberty to the petitioner to file an application under Section 239 Cr.P.C if there are no grounds to frame charge under Section 240 Cr.P.C. before the learned Magistrate to consider on own merits from the prosecution material vide ***State of Orissa V. Debendranath Padhi***^[1]. Needless to say that in the event of filing of any application filed either under Rule 37 of Criminal Rules of Practice to represent any one of the accused on behalf of

other accused or under Section 205 Cr.P.C to represent through Special Vakalat in the above C.C. the learned Magistrate shall hear and permit with necessary conditions of personal appearance as and when required.

4) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.25th August, 2015

KSH

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