

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.4184 OF 2015

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ORDER:

This Criminal Petition is filed by the petitioners/A4, A5, A8 and A9 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.388 of 2014 on the file of XXI Metropolitan Magistrate, Cyberabad at Medchal, in connection with Crime No.666 of 2012 of Alwal Police Station for the offence punishable under Sections 498-A, 495, 420, 468, 379, 323, 506, 120(B) r/w 34 I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor (Telangana) for the State before notice to respondent No.1/*de facto* complainant and before admission.

The petitioners filed the application against taking of cognizance of the offence against them by the learned Magistrate under Section 190 Cr.P.C. based on the final report filed by the police against the petitioners along with other accused.

On perusal of the material on record, as it falls short to admit the application under Section 482 Cr.P.C, this application is disposed of giving liberty to the petitioners to approach the learned Magistrate concerned by filing an application under Section 239 Cr.P.C. Needless to say, from the prosecution material the learned Magistrate shall decide the discharge application under section 239 Cr.P.C. r/w 240 Cr.P.C vide **State of Orissa v. Debendranath Padhi**.

In the event of petitioners and other accused filing application under Rule 37 of Criminal Rules of Practice to permit one among all the accused to represent, the learned Magistrate after hearing shall permit the same with necessary conditions to represent unless their personal presence is specifically required for any adjournment.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10-06-2015

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