

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.7790 and 7890 of 2017

COMMON ORDER:

These Criminal Petitions are filed by petitioners/ A2 to A7 and A1 respectively under Section 482 Cr.P.C. to quash the proceedings in P.R.C.No.1 of 2017 on the file of the Additional Judicial First Class Magistrate, Narasapur, West Godavari District, where learned Magistrate taken cognizance for the offences punishable under Sections 498-A, 307, 323, 406, 384 and 506(2) r/w 149 I.P.C. and Sections 4 to 6 of the Dowry Prohibition Act, which is an outcome of the private complaint of the 2nd respondent/ de facto complainant dated 06.09.2016 by referring therein with her affidavit also about giving of report to the police of Elamanchili Police of West Godavari District and they failed to take action and she marked even copies to the Deputy Superintendent of Police and Circle Inspector concerned, from which she is chosen to file private complaint.

Heard learned counsel for the petitioners and learned Public Prosecutor representing the State.

No doubt, as pointed out by the learned counsel for the petitioners, the alleged occurrence of attempt by all the accused together by forcible pressing her neck was on 17.07.2016 and even in the police final report, there is no medical evidence and she did not go to any Doctor, there is no any injury and had there been any

truth, she could have been reported immediately instead of waiting to give the so called police report on 11.08.2017 and filing of the private complaint on 06.09.2016.

It is premature for this Court to consider the said contentions raised by the learned counsel for the petitioners, that too, there is no entire Part-II Case Diary filed before this Court to impugn P.R.C. proceedings at the post cognizance stage.

Having regard to the above, both the Criminal Petitions are disposed of with liberty to the petitioners to raise all the contentions of other defences after the case is committed if at all to the Court of Sessions for discharge under Section 227 Cr.P.C. and without prejudice to that and in the event of filing any application before the Court of Sessions for one to represent others as once P.R.C. number allotted, it is practically the committal Court subject to compliance of Section 209 (a) to (d) Cr.P.C. to file application before the Court of Sessions under Rule 37 of the Criminal Rules of Practice to permit one to represent others for the learned Sessions Judge to consider with necessary conditions.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:15.09.2017
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