

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6722 of 2017

ORDER:

Heard learned counsel for the petitioners/ A1 and A2 of C.C.No.56 of 2016 on the file of the X Additional Chief Metropolitan Magistrate, Secunderabad, where taken cognizance for the offences punishable under Sections 268 and 506 I.P.C. which is outcome of crime No.154 of 2015 of Secunderabad Market Police Station, on the report of the 2nd respondent and also heard learned Public Prosecutor representing the State, before ordering notice to the 2nd respondent-complainant.

In fact, there is an efficacious remedy available to the petitioner to urge all the grounds raised in the quash petition by filing an application under Section 258 Cr.P.C. to stop the proceedings if not even to file application under Section 251 Cr.P.C. pursuant to the expression of the Apex Court in *Bhushan Kumar v. State (NCT of Delhi)*¹.

Having regard to the above, liberty is given to the petitioners, by virtue of this order, to make such applications under Section 258 r/w 251 Cr.P.C. before the learned Magistrate, if no grounds to proceed with trial and to stop the proceedings by acquitting the accused for decision on merits. It is needless to say that if anyone of the petitioners or both

¹ 2012(5) SCC 424

unable to appear personally before the trial Court, they are at liberty to file an application under Rule 37 of the Criminal Rules of Practice for one to represent others or Section 205 Cr.P.C. to represent through special vakalat holder and the learned Magistrate to hear and pass orders by considering the same with necessary conditions.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 03.08.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

