

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION NO.7173 of 2012

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., by the petitioners/accused Nos.1 to 8 to quash Cr.No.327 of 2012 on the file of the Mancherial Police Station, Mancherial, Adilabad District, registered for the alleged offences punishable under Sections 498A, 420, 406 and 34 IPC, on the ground that they are innocent and not committed any offence and that the defacto complainant-R.2 falsely implicated them in the case.

The learned counsel for the petitioners argued that they have paid an amount of Rs.5,00,000/- to the defacto complainant-R.2 towards full and final settlement and the matter is settled between them out of the Court.

On 11.12.2014 learned counsel for the 2nd respondent-defacto complainant reported no instructions. Hence, this Court permitted the petitioners to take out personal notice to the 2nd respondent-defacto complainant. The said notice was served and proof of service was filed into the Court by the petitioners.

Now the 2nd petitioner herein filed an affidavit stating that the dispute between them and the defacto complainant was settled out of the Court and by virtue of the said settlement, she paid Rs.3,80,000/- vide Demand Draft bearing No.001867 dated 22.05.2013 drawn on Axis Bank Limited. As the 2nd respondent-defacto complainant demanded more money, the 2nd petitioner has cancelled the said Demand Draft dated 22.05.2013 and paid Rs.5,00,000/- on 19.07.2013 vide cheque bearing No.089578 dated 20.05.2013. To prove the same, the 2nd petitioner filed a Memo dated 17.11.2014 along with the certificate of the State Bank of Hyderabad dated 19.07.2013 in which it is mentioned that an amount of Rs.500,000/- was paid through Cheque

No.089578 dated 20.05.2013 to Smt. Javeria Bhanu, W/o. Late Gulam Rabbani.

In view of the said fact and since the defacto complainant-R.2 has not chosen to appear and contest the matter in spite of service of notice, the Criminal Petition is allowed quashing F.I.R.No.327 of 2012 on the file of Mancheria Police Station, Mancheria, Adilabad District, for the offences punishable under Sections 498-A, 420, 406 and 34 IPC.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ANIS.

11th February, 2015
Js.