

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8794 OF 2013

-

ORDER:

-

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners – accused Nos.2 to 4 seeking to quash the proceedings in P.R.C.No.10 of 2013 on the file of the Additional Judicial First Class Magistrate, Anantapur, registered for the offences punishable under Sections 498-A, 354, 307, 324 read with Section 34 I.P.C. and Section 3 of Dowry Prohibition Act.

Originally the case was registered against the petitioners for the offences punishable under Sections 498-A, 354, 307, 324 read with Section 34 I.P.C. and Section 3 and 4 of Dowry Prohibition Act. After due investigation, the investigation agency filed charge-sheet against all the four persons deleting the section of law as far as offences which are triable by Sessions and charged these petitioners for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

The learned counsel for petitioners submitted that on the entire reading of the complaint and also the statement given by L.W.1, it is clear that the allegations are bald in nature, more particularly, as far as petitioners are concerned, there are no specific allegations informing as to date, month or year and the manner in which the de facto-complainant was subjected to cruelty to attract an offence under Section 498-A I.P.C.

The learned counsel for the second respondent submits that in the complaint as well as in the statement, the de facto-complainant stated that all the petitioners joined with accused No.1 and harassed her and also abused her.

This Court perused the record and heard the arguments. After

perusal of the records and the statement of L.W.1, who is aggrieved person, the allegations are against accused No.1, who is not the petitioner herein and also there are some allegations which are necessarily to be tried against the petitioner No.1 – accused No.2. As far as petitioner Nos.2 and 3 – accused Nos.3 and 4 are concerned, there is nothing on record to show that these petitioners were committed the offences for which the charge-sheet was filed and further learned trial Judge without giving any reasons has taken the cognisance against petitioner Nos.2 and 3 – accused Nos.3 and 4 for the offences which are triable by the Court of Sessions.

Considering the aforesaid facts and circumstances, the Criminal Petition is allowed only in favour of petitioner Nos.2 and 3 – accused Nos.3 and 4 and the proceedings in P.R.C.No.10 of 2013 on the file of the Additional Judicial First Class Magistrate, Anantapur, are hereby quashed against petitioner Nos.2 and 3 – accused Nos.3 and 4. As far as petitioner No.1 – accused No.2 is concerned, she is directed to face the trial. As petitioner No.1 – accused No.2 being a lady aged about 51 years and as the question of her identity does not arise, her presence before the trial Court is dispensed with except on the dates when the trial Court insists for her appearance.

Accordingly, the Criminal Petition is partly allowed. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.10.2015

skmr