

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2346 OF 2011

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner/A.2 seeking to quash the proceedings in S.C.No.169 of 2010 on the file of the VI Additional Metropolitan Sessions Judge-cum-Mahila Judge, Visakhapatnam, arising out of offences under Sections 354, 323, 509 and 506(2) IPC.

The case of the prosecution is that about one month prior to the occurrence, the accused discarded his wife. On 01.06.2009, the first respondent went to see her daughter and on seeing her, A.1 with the assistance of the petitioner herein/A.2, caught hold of the tuft of the first respondent and dragged her, abused her and bet her on chest and also attacked to kill her by throwing a stone.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner herein has not committed any offence and that there are no specific allegations made against her. He further submits that even if the entire complaint is true, it does not attract any offence alleged against the petitioner herein. Hence, he prays this Court to quash the criminal proceedings against the petitioner/A.2.

On perusing the charge sheet and the other material placed before this Court, this Court is of the view that except the allegation that the petitioner herein, who is sister-in-law of A.1, has illicit intimacy with A.1, there is nothing on record to show that the petitioner herein has committed any of the offences alleged against her.

Considering the facts and circumstances of the case, it cannot be treated that the petitioner has committed any offence as alleged against her, and as such, the criminal proceedings against her is liable to be quashed.

The Criminal Petition is allowed and the criminal proceedings against the petitioner/A.2 in S.C.No.169 of 2010 on the file of the VI Additional Metropolitan

Sessions Judge-cum-Mahila Judge, Visakhapatnam, is hereby quashed.
Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

06.11.2015
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