

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9024 OF 2009

ORDER:-

This Criminal Petition is filed by the petitioner/A-7 under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings in Crime No.225 of 2008 on the file of the L & O S.R. Pet Police Station, Vijayawada City, registered for the offences punishable under Section 452, 323, 324, 354, 342, 307 and 506 read with 34 I.P.C., which was later, numbered as P.R.C.No.16 of 2009 on the file of the III Additional Chief Metropolitan Magistrate, Vijayawada, Krishna District.

2. The allegations are that the son of the non-petitioner/A-1, having separated from his parents, was staying in the house of L.W.1. He is said to have developed intimacy with the daughter of L.W.1 and thereby, L.W.1 and her family members have performed the marriage of their daughter with the son of A-1 without informing A-1 or other family members. The allegation is that on 6.9.2008, the *de facto* complainant along with her daughter and son-in-law (son of A-1) went to Tirupati and at that time, the husband of L.W.1 was alone in the house. On 7.9.2008, the *de facto* complainant was informed over phone that the parents of her son-in-law and others attacked their house and escaped from there. It is further alleged that on 8.9.2008, at about 11.00 hours, when L.W.1 and her family members are present in the house, the accused, armed with deadly weapons, trespassed into the house of the *de facto* complainant and beat her with hands and legs and also beat her husband with an iron rod with an intention to see their end since they performed the marriage in between the daughter of L.W.1 and the son of A-1 without their consent.

3. Learned counsel for the petitioner/A-7 submits that there is no

specific allegation insofar as the petitioner/A-7 is concerned and that therefore, all further proceedings in the above P.R.C. are liable to be quashed.

4. A perusal of the charge sheet shows that there are allegations against all the accused including the petitioner/A-7 that they all trespassed into the house of the *de facto* complainant and have abused and threatened them with dire consequences for their act of performing the marriage of the daughter of the *de facto* complainant with the son of A-1 without taking the consent of the accused. Therefore, at this stage, it cannot be said that there is no material to proceed against the petitioner/A-7. Hence, the Criminal Petition is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed with a direction that during trial, the presence of the petitioner/A-7 should not be insisted unless her presence is necessary for specific purpose.

6. Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE M.S.K.JAISWAL

11th December, 2015
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Date:11.12.2015

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