

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11610 of 2013

ORDER :

The criminal petition is filed by the petitioner/A-4 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.26 of 2013 of Machavaram Police Station, Vijayawada City registered for the offences punishable under Section 498-A, 420 and 506 read with 34 I.P.C at the instance of the 2nd respondent/defacto-complainant.

2) The 2nd respondent/defacto-complainant, wife of A-1, filed private complaint against five accused including the petitioner. The address of the petitioner is shown as if in Visakhapatnam along with other accused. The petitioner is brother of A-1. The petitioner filed his passport showing he is residing at California and also got Malaysia Visa even, by Malaysian immigration Department in July, 2012. It is pending the investigation, police filed final report and learned Public Prosecutor and the defacto-complainant contended that to say without impugning the police final report and any cognizance taken by the learned Magistrate, there is nothing to survive in quashing of F.I.R sought for.

3) In fact, it is the submission that the police final report returned by the concerned Magistrate at pre-cognizance stage and it is the submission by the learned counsel for the petitioner that he could not get certified copy of Part-II C.D. and the charge sheet. In fact, the defacto-complainant supplied the copy of the charge sheet. Once, the petitioner/A-4 is working in California and Washington since June, 2011 as software engineer and not at Visakhapatnam at the relevant time, merely because he is the relative of the husband of the defacto-complainant, no offence could be made out under Section 498-A I.P.C and there are no worth allegations of he is privy to the alleged cheating, from the inception along with other accused of the defacto-complainant muchless of any offence under Section 506 I.P.C of intimidation.

4) Having regard to the above, the petition is allowed and all the proceedings in Crime No.26 of 2013 of Machavaram Police Station, Vijayawada City, Krishna District are hereby quashed in respect of the petitioner/A-4 concerned. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

17.11.2015

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