

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.1980 OF 2011

-

ORDER:

-

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 C.C.No.311 of 2010 on the file of the II Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, registered for the offences under Sections 452, 109, 506 and 324 IPC and Section 25 of the Arms Act.

The case of the prosecution is that A.1, at the instigation of the petitioner herein/A.2, criminally trespassed into the house of *de facto* complainant and attacked him with a knife suspecting that the complainant is responsible for his transfer from Rajahmundry to Nagaram Police Station, Guntur, and that when the father of the complainant tried to prevent A.1, A.1 pounced upon him and caused injuries over left eye and below the lips with the handle of knife. It is also the further case that A.1 is having illicit intimacy with A.2.

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, more particularly the offences under Sections 452, 109, 506 and 324 IPC.

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 C.C.No.311 of 2010 on the file of the II Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, is hereby quashed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

06.11.2015

pln