

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION NO.9282 OF 2013

ORDER:

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This Criminal Petition under Section 482 of Cr.P.C. is filed by A.6 & A.7 to quash the proceedings in C.C.No.73 of 2009 pending on the file of Judicial Magistrate of First Class at Hindupur, Anantapur District for the offences punishable under Sections 498-A and 307 IPC.

The learned counsel for the petitioners submitted that A.2,A.4 & A.5 in the above C.C. approached this Court by filing CrI.P.No.990 of 2012 seeking to quash the proceedings and this Court by order dated 17.10.2012 allowed the same quashing the impugned proceedings as against them. In view of the same, learned counsel submits that since the petitioners here are on the same footing as that of A.2,A.4 and A.5, the impugned proceedings are liable to be quashed as against the petitioners herein.

Heard and perused the material available on record.

This Court by order dated 17.10.2012 allowed CrI.P.No.990 of 2012 quashing the impugned proceedings as against the petitioners therein who are A.2,A.4 and A.5. The relevant portion of said order reads thus:

“.....Except making bald allegations, no specific instances of harassments attributable to them have been stated therein. The petitioners are residing at different places and it is not the case of the 2nd respondent-complainant that they stated with A.1, who is her husband. In that view of the matter, I find that continuance of proceedings against the petitioners in C.C.NO.73 of 2009 on the file of the Judicial Magistrate of First Class, Hindupur, amounts to abuse of process of Court.”

The petitioners herein, who are A.6 and A.7 are similarly situated to that of A.2,A.4 and A.5. Therefore, in view of the order

dated 17.10.2012 in CrI.P.No.990 of 2012, the impugned proceedings are liable to be quashed as against the petitioners herein.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.73 of 2009 pending on the file of Judicial Magistrate of First Class at Hindupur, Anantapur District are hereby quashed as against the petitioners herein.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

08th August, 2016

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