

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.6046 OF 2016

ORDER:

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This Criminal Petition is filed by A.4 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.19 of 2016 pending on the file of I Additional Judicial First Class Magistrate, Nizamabad, Nizamabad District for the offences under Sections 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act.

After issuing necessary notice, the respondent-police while filing charge sheet deleted the name of the petitioner herein and filed the charge sheet informing the court that A.4-petitioner herein has not committed any offence and requested the Court to drop the further proceedings as against the petitioner. But however, the trial Court without passing any detailed order, simply affixed the stamp which contain the following order:

“Taken the cognizance of offence punishable under Section 498-A IPC and Sections 3 & 4 of Dowry Prohibition Act against A.1 to A.4. Register the case as C.C.19 of 2016. Issue summons to A.1 to A.4. Call on 28.4.2016.”

Heard and perused the records.

No-doubt, the trial Court can take cognizance of offence even though the police files a final report dropping further action against some of the accused. But at the same time, the learned Magistrate has to state the reasons for taking cognizance of offence against the person against whom the police drops the further action and deletes the name from the charge sheet. In the present case, no such reasons were assigned by the trial Court, but simply taken the cognizance against the petitioner herein. Hence, this Court is of the view that the impugned proceedings as against the petitioner herein are liable to be quashed.

In the result, the Criminal Petition is allowed and the impugned proceedings in C.C.No.19 of 2016 on the file of I Additional Judicial Magistrate of First Class, Nizamabad are hereby quashed as against the petitioner herein.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

22.04.2016

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