

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4902 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-3 seeking to quash the proceedings in C.C.No.639 of 2013 on the file of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District.

2. Heard and perused the material available on record.
3. The offences alleged against the petitioner are punishable under Sections 498-A, 420 and 120-B I.P.C. and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961.
4. Learned counsel for the petitioner submitted that the police R.G.I. Airport, Shamshabad registered a case in Crime No.308 of 2008 and after completion of investigation, charge sheet was filed before the VIII Metropolitan Magistrate, Cyberabad and the same was numbered as C.C.No.336 of 2009; that the case against the petitioner/A-3 and A-1 was split up and the same was numbered as C.C.No.639 of 2013; that trial was completed against A-2, A-4 and A-5 and C.C.No.336 of 2009 ended in acquittal; that the petitioner is a resident of North Carolina, U.S.A. leading her life along with her husband and children and she do not know respondent No.2 and she did not interfere with the life of respondent No.2; that the petitioner is neither an elder nor a participant to the marriage of A-1 with respondent No.2; that the case against A-2, A-4 and A-5 ended in acquittal and during the trial against A-2, A-4 and A-5, nothing has come on record to implicate the petitioner as an accused and hence, prays to quash the proceedings in the C.C. against the petitioner.
5. If the trial Court acquits some of the accused, the same cannot

be a ground to quash the proceedings against the other accused. At the same time, it depends upon the facts and circumstances of each and every case. In the present case, P.W.1, being the aggrieved person, deposed before the Court below as under:

“P.W.1 – Suman Rekah stated that she is a resident of Shamshabad and doing private job. She further stated that her marriage with accused No.1 was performed in the year 2003, that accused Nos.2 to 5 are the family members of accused No.1, and that the marriage proposal was brought by accused Nos.2 and 3, that at the time of marriage, her parents presented Rs.1,00,000/- and four tulas of gold to accused No.1, that at the time of marriage, accused No.1 stated that he will leave for Canada after one month but stayed only three days and left for Canada and after three years i.e., in 2005 he returned back to India and after his return, stayed with her parents and thereafter returned back to Canada and came back in the year 2007 and stayed only for one month and refused to take P.W.1 to Canada and during the period of his stay he did not contact him and also the dispute took place. She further stated that in the year 2007 panchayath took place between the family members and accused No.1 stated that he will take P.W.1 to Canada, but he had not taken her to Canada and he alone left for Canada. She further stated that before the marriage accused No.1 stated that he will take her to Canada, that accused also demanded money and whenever she tried to contact him, cell phone of accused No.1 was switched off and when the child was born to her, she even sent the photograph to him, but no response from the accused No.1 and she filed Ex.P1 complaint.....”

In the said evidence, she has not even implicated the accused who faced the trial in C.C.No.336 of 2009. The learned trial Judge acquitted them on the ground that P.W.1 has not stated anything against them to attract the above said offences. On a reading of the evidence of P.W.1, this Court is of the view that the said evidence does not disclose anything against the petitioner herein, more particularly, to attract the offence under Section 498-A I.P.C. Considering the said fact, this Court is of the view that this is a case where this Court can invoke the provision under Section 482 Cr.P.C. In view of the evidence adduced by P.W.1 in C.C.No.336 of 2009, the proceedings against the petitioner/A-3 are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed quashing the

proceedings in C.C.No.639 of 2013 on the file of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District against the petitioner/A-3.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

11.4.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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