

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2092 OF 2016

ORDER:

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This criminal petition is filed, under Section 482 Cr.P.C., by the petitioners-A3 & A5 to quash the proceedings in C.C.No.177 of 2015 on the file of Judicial Magistrate of First Class, Razole, East Godavari District.

Heard and perused the material available on record.

The offences alleged against the petitioners are punishable under Sections 498-A r/w. 34 IPC and 3 & 4 of the Dowry Prohibition Act. The 1st petitioner is the co-sister-in-law of the de facto complainant and the 2nd petitioner is a friend of the husband of the 1st petitioner. The de facto complainant lodged a complaint against Accused Nos.1 to 5 before Malkipram Police for the above offences. After completion of investigation, the police filed charge sheet before the Judicial Magistrate of First Class, Razole, and the same was numbered as CC No.11 of 2009. The petitioners approached this Court by filing Crl.P. No.10127 of 2010 to quash the proceedings against them in the above CC. Initially, this Court granted interim stay for a period of four weeks and subsequently, the same was extended. Since there was stay of proceedings against the petitioners, the trial Court split up the case against the petitioners and renumbered it as CC No.177 of 2015 and proceeded with the trial against accused Nos.1, 2 & 4 in CC No.11 of 2015 and after due trial, acquitted them vide judgment, dated 17.06.2015.

Learned counsel for the petitioner submitted that Crl.P. No.10127 of 2015 was withdrawn by the petitioners under the impression that they are also acquitted by the trial Court in CC No.11 of 2009 but, only after receiving the copy of the judgment in CC No.11 of 2009, they came to know that the case against them was split up by the trial Court and the other accused were acquitted of the said offences, and requested that the petitioners herein may be extended

the same benefit since they are also standing on the same footing and that no purpose would be served if the case is pending before this Court.

Considering the facts and circumstances of the case and in view of the submissions of the learned counsel for the petitioners, the Criminal Petition is allowed and the proceedings against the petitioners – A3 and A5 in CC No.177 of 2015 on the file of Judicial Magistrate of First Class, Razole, East Godavari District, are quashed and the petitioners are acquitted of the offences under Sections 498-A r/w.34 and 3 & 4 of the Dowry Prohibition Act.

The bail bonds, if any, of the petitioners shall be cancelled and the sureties are discharged. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 19, 2016.

KTL