

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6228 OF 2016

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ORDER:

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This Criminal Petition is filed by A.9 invoking the provision under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.133 of 2008 pending on the file of III Additional Judicial Magistrate of First Class, Warangal for the offences punishable under Sections 498-A, 506 IPC and Sections 3 and 4 of Dowry Prohibition Act.

Heard the learned counsel for the petitioner and learned Additional Public Prosecutor. Perused the material on record.

The petitioner herein is the brother of A.1 and the complainant-first respondent herein is the wife of A.1. The allegations in the complaint are that after the marriage of complainant with A.1, they left to U.S.A. and there she was harassed for additional dowry by her mother-in-law and brothers-in-law, who joined them in U.S.A. from Canada.

It is brought to the notice of this Court that A.3 to A.8 and A.11 have been discharged from the case by the trial Court in CrI.M.P.No.4188 of 2006 in C.C.No.884 of 2006 by orders dated 29.8.2007. Further A.10, who is another brother of A.1 approached this court by filing CrI.P.No.9086 of 2009 and this Court by order dated 30.10.2014 allowed the petition quashing the proceedings as against him. It is the contention of the learned counsel for the petitioner that the petitioner herein has been residing in Canada since 1980 and that the allegations made against the petitioner are similar to that of the allegations made against A.10.

This Court perused the orders made in CrI.P.No.9086 of 2009 dated 30.10.2014 quashing the proceedings against A.10. As seen from the complaint, the allegations made against the petitioner herein and A.10 are one and the same. Since the petitioner herein stands on the same footing as that of A.10, the impugned proceedings as against A.9 are also liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in C.C.No.133 of 2008 pending on the file of III Additional Judicial Magistrate of First Class, Warangal are hereby quashed as against the petitioner herein.

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

JUSTICE RAJA ELANGO

25.04.2016

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