

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3109 of 2012

ORDER:

This Criminal Petition is filed by the petitioners/respondents 4 & 5 seeking to quash the proceedings against them in D.V.C.No.21 of 2011, on the file of the Additional Judicial Magistrate of First Class, Jagityal, Karimnagar District.

2. Heard and perused the material available on record.

3. It is the case of the petitioners that they are the sister and brother-in-law of the 2nd respondent herein. The 1st respondent herein has filed D.V.C.No.21 of 2011 before the Additional Judicial Magistrate of First Class, Jagitlal, Karimnagar District, against the petitioners herein and respondents 2 to 4 herein. The petitioners herein are seeking to quash the proceedings in D.V.C.No.21 of 2011 as the same are illegal and against law.

4. Learned counsel for the petitioners submit that the first respondent herein has lodged a complaint on 08.10.2006 to the Station House Officer, Jagitlal Police Station, alleging that respondents 2 to 4 herein and the petitioners herein have committed offences under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act and F.I.R.No.246 of 2006 has been registered on 08.10.2006. After completion of the investigation, final report has been filed by the police that respondents 2 to 4 herein are liable for prosecution under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act. The police recorded the statements of L.W.12 – Choppadandi Sathyanarayana and L.W.13 – Peddapeta Nagaraju, who are neighbours of A-1 to A-3,

who stated that A-4 & A-5 never visited Sircilla and never harassed the complainant, as they are living separately from A-1 to A-3 and residing at Vellulla Village, Metpalli Mandal and as per their statements, the police have filed a final report in the FIR No.246 of 2006, dated 08.10.2006, by recording that the offences have not been proved against the petitioners herein since they are living separately from the respondents 2 to 4 herein and residing at Vellulla Village of Metpally Mandal and the learned Magistrate took cognizance of the offences against respondents 2 to 4 as C.C.No.2460 of 2008. The Investigation Agency deleted their names and they were not prosecuted for the offence under Section 498-A IPC. Apart from that, even on the basis of charge sheet filed, the other accused i.e., respondents 2 to 4 herein are also acquitted by the competent Court.

5. The allegations made in the present petition by the first respondent and the allegations made in D.V.C.No.21 of 2011 are one and the same. The competent Court, by due trial, already acquitted the other accused and the petitioners herein are also deleted from the array of parties and the reliefs sought by the first respondent herein in the D.V.C. are also not pertaining to the petitioners herein. Hence, this Court is of the view that when a case for the offence punishable under Section 498-A IPC is ended in acquittal as far as the other accused are concerned and the petitioners are not charged for the offence after due investigation and when there is no specific relief sought against the petitioners, the proceedings in D.V.C.No.21 of 2011 are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/respondents 4 & 5 in

D.V.C.No.21 of 2011, on the file of the Additional Judicial Magistrate of First Class, Jagityal, Karimnagar District, are hereby quashed. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

RAJA ELANGO, J

Date: 27th September, 2016

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