

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2349 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-1 to A-5 in Crime No.24 of 2016 of Kadiri Town Police Station, Ananthapur District, registered for the offences punishable under Sections 342, 498-A, 494, 355, 506 read with Section 34 IPC and Section 3 (1) (x) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

Learned counsel for the petitioners firstly contended that on the earlier occasion, the 2nd respondent/de facto complainant lodged a complaint against the petitioners on the same set of allegations except the allegations of confining her in a room by lock and key and abusing her in the name of her caste, which was registered as Crime No.88 of 2013 and later numbered as C.C.No.547 of 2015. Secondly, the said proceedings were stayed by this Court in Criminal Petition No.4839 of 2013, and thirdly, since the offence took place in 2016, the 2nd respondent lodged a fresh complaint with the same set of allegations along with the allegations of wrongful confinement in a room and abusing her in the name of her caste in order to wreck vengeance against the petitioners and hence, the present proceedings are liable to be quashed on that grounds.

A bare perusal of the material on record reveals that earlier, the 2nd respondent lodged a complaint against the

petitioners with the same set of allegations, except the allegations of wrongful confinement and abusing in the name of her caste and the said complaint was registered as Crime No.88 of 2013, which was later numbered as C.C.No.547 of 2015 pending on the file of Additional Judicial Magistrate of First Class, Kadiri. It appears, as rightly contended by the learned counsel for the petitioners, in order to wreck vengeance against the petitioners, the 2nd respondent also lodged a fresh complaint on the same set of allegations along with the allegations of wrongful confinement and abusing in the name of caste. Since the said allegations have to be necessarily investigated by the investigating agency to find out the truth or otherwise of the contents of the complaint, this Court is not inclined to interfere with the said investigation.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioners, in view of pendency of C.C.No.547 of 2015 before the learned Additional Judicial Magistrate of First Class, Kadiri, this Court is of the view that it is not a fit case where the proceedings can be quashed by invoking the jurisdiction under Section 482 Cr.P.C. However, at this stage, the learned counsel for the petitioners submits that the petitioners are apprehending of their arrest in view of pendency of the present crime. Considering the submission of the learned counsel, the Kadiri Town Police Station, Ananthapur District, is directed to complete the investigation without arresting the petitioners and file the final report in the Court. The 2nd respondent is at liberty to take recourse to appropriate remedy against such final report if she is aggrieved to do so.

Accordingly, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand

closed.

RAJA ELANGO, J

Date: 24-02-2016

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