

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5718 of 2016

ORDER:

The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the proceedings in P.R.C.No.32 of 2012 on the file of the XV Metropolitan Magistrate, Cyberabad, at Medchal, Ranga Reddy District, arising out of offence under Section 304-B IPC.

Learned counsel for the petitioner submits that originally the petitioner was charged along with six other accused and that a separate trial was conducted for A.2 to A.7 in P.R.C.No.668 of 2012, wherein A.2 to A.7 were acquitted by order dated 09.02.2016 passed by the Court of the XV Metropolitan Magistrate, Cyberabad at Medchal, on the ground that all the material witnesses turned hostile and deposed against the prosecution. He further submits that the petitioner/A.1 is also on the same footing as that of A.2 to A.7 and continuation of the proceedings against the petitioner/A.1 is an abuse of process of law and as such, prays this Court to quash the proceedings as against the petitioner/A.1.

Heard and perused the material available on record.

It is evident from the Judgment of the Court below acquitting A.2 to A.7 in P.R.C.No.668 of 2012 that all the material witnesses turned hostile and deposed against prosecution. The said material witnesses not only turned hostile but also disputed any such occurrence as alleged by the prosecution. Hence, this Court is of the view that the proceedings as against the petitioner/A.1, who is also on the same footing as that of A.2 to A.7, are also liable to be quashed.

The criminal petition is accordingly allowed and the proceedings in P.R.C.No.32 of 2012 on the file of the XV Metropolitan Magistrate, Cyberabad, at Medchal, Ranga Reddy District, are hereby quashed and the petitioner/A.1 is acquitted of the offences alleged against him.

The Criminal Petition is accordingly allowed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

20.04.2016
pln

