

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5473 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-2 seeking to quash the proceedings in C.C.No.500 of 2015 on the file of the X Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 498-A I.P.C.
4. Learned counsel for the petitioner/A-2 contended that the petitioner is not related to the accused and she is only a friend to A-1; that the petitioner performed marriages to her four children and she is having grandchildren; that the petitioner is no way connected with the allegations and that she is falsely implicated in this case.
5. Admittedly, in the complaint as well as the charge sheet, it is clearly revealed that the petitioner is not related to A-1, who is the husband of respondent No.2/*de facto* complainant, and she is only a friend to A-1. Even though it is stated that she induced the other accused to commit the crime, there is nothing on record to prove the same. Further, for prosecuting a person under Section 498-A I.P.C., specifically, such person should be related to the husband of the *de facto* complainant. Insofar as the petitioner is concerned, as she is not related to A-1, she cannot be prosecuted for the offence punishable under Section 498-A I.P.C. Hence, this Court is of the view that pendency of the case against the petitioner amounts to abuse of process of law and hence, it is a fit case to quash the proceedings against the petitioner.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner/A-2 in C.C.No.500 of 2015 on the file of the X Metropolitan Magistrate, Cyberabad at Malkajgiri, Ranga Reddy District. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

19.4.2016

AMD

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