

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3417 OF 2016

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ORDER:

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This Criminal Petition is filed by the petitioners-accused Nos.2 to 4 under Section 482 Cr.P.C., seeking to quash the proceedings against them in PRC.No.16 of 2008 on the file of the V Additional Munsif Magistrate, Guntur.

The petitioners are alleged to have committed the offences punishable under Sections 307, 324, 406, 448, 498-A r/w 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The learned Counsel for the petitioners submitted that the 2nd respondent is the de facto complainant and A1 is her husband and that the petitioners are relatives of A1 and that A1 filed Crl.P.No.14712 of 2014 before this Court seeking to quash the proceedings against him in the above PRC and the said Criminal Petition was allowed quashing the proceedings against A1 in view of the settlement arrived at between the parties. He further submitted that in Crl.P.No.14712 of 2014, the 2nd respondent stated that she has settled the matter with the accused and pursuant to the same, she is living happily with her husband.

In the order in Crl.P.No.14712 of 2014, this Court observed as follows:

“The material on record would disclose that the dispute is a fall out of a marital discord between the 2nd respondent and the 1st accused. Taking into consideration the judgment of the Apex Court in Gian Singh Vs. State of Punjab and another ((2012) 10 SCC 303) and the fact of settlement arrived at between the parties, this Court is of the view that even if the proceedings are allowed to continue, the 2nd respondent may not support the case of the prosecution. No useful purpose would be served in allowing the proceedings to go on. In view of the compromise arrived at between the parties and taking into consideration the nature of offence with which the petitioner is charged more so when both of them are living together happily, the continuation of the proceedings against the petitioner would be an abuse of process of law.”

In view of the settlement between A1 and the 2nd respondent and in view of the fact that the above case arises out of matrimonial disputes and that A1 and the 2nd respondent are living together happily, this Court is of the view that the continuation of the proceedings against the petitioners would serve no purpose and therefore, the proceedings against the petitioners are liable to be quashed.

Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners in PRC No.16 of 2008 on the file of the V Additional Munsif Magistrate, Guntur. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 15.03.2016

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Dated 15th March, 2016.

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