

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6511 OF 2016

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ORDER:

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This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the proceedings against her in C.C.No.582 of 2015 on the file of the XVI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

The case of the prosecution is as follows:

The 2nd respondent lodged a complaint stating that her marriage was performed with Dr. Nishath Ahmed on 4.4.2014. Due to behaviour of her husband and in laws, she has been staying with her parents. She lodged a complaint against her husband and in laws in Women Police Station, South Zone, Hyderabad. While so, the parents of the 2nd respondent received threatening calls from the accused. The accused threatened them to withdraw the case or otherwise they will see their end. Thus, the accused committed the offence punishable under Section 506 IPC. The said complaint was registered as a case in Crime No.26 of 2015. After completion of the investigation, the police filed a charge sheet and the same was numbered as C.C.No.582 of 2015.

Heard and perused the material available on record.

As per the charge sheet, the petitioner called the de facto complainant and her parents over phone Nos.9866691786 and 8686810104 and threatened them to withdraw the complaint given by the de facto complainant against her husband and others. The police after examining the de facto complainant, her mother and her relatives filed the charge sheet for the offence punishable under Section 506 IPC.

Admittedly, in the FIR, the de facto complainant has not given any particulars about the person, who actually threatened her and her parents except giving cell numbers. There is no material on record to

show that the investigation was done basing on the cell numbers furnished by the de facto complainant. The investigating Officer filed the charge sheet only on the basis of the confession, alleged to have been given by the petitioner informing that she is the person, who called the de facto complainant and her parents over phone. In the charge sheet, it was stated that the petitioner voluntarily came to the police station and surrendered before L.W.4. On that, L.W.4 interrogated the petitioner and on interrogation, she voluntarily confessed that she has committed this offence, and admitted her guilt. The entire charge sheet is based on the confession of the petitioner herein. The said confessional statement given by the accused before the police is inadmissible in evidence and it cannot be brought on record by the prosecution. Except the petitioner's confession made before the police, there is nothing on record to show that the petitioner is the person, who called the de facto complainant and her parents over phone. Therefore, this Court is of the view that the continuation of the proceedings in the above C.C. would amount abuse of process of Courts and it is a fit case to quash the proceedings against the petitioner.

Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in C.C.No.582 of 2015 on the file of the XVI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 27.4.2016

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DATED 27.4.2016

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