HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.643 OF 2016

ORDER:

The present Criminal Revision Case under Section 397 of Cr.P.C., is filed by the petitioners/A.1 to A.5 assailing the objection raised by the Registry of Mahila Sessions Court, Vijayawada, in refusing to entertain the petition filed under Section 227 of Cr.P.C., for their discharge.

The facts leading to filing of the present Criminal Revision Case are as under:

Basing on the complaint given by one Jammu Indumathi @ Indu, initially, a case in Crime No.698 of 2012 of Nunna Police Station, Vijaywada City, came to be registered. The police investigated into the offence and filed a charge sheet against the petitioners/A.1 to A.5 for the offences punishable under Sections 366(A), 344, 376, 506 r/w. Section 34 of IPC, which was taken as PRC.No.59 of 2013 on the file of I Metropolitan Magistrate, Vijayawada. On committal, the said case came to be numbered as S.C.No.360 of 2014 on the file of Mahila Sessions Court, Vijayawada. After the committal, the petitioners/A.1 to A.5 filed Crl.P.No.9613 of 2015, under Section 482 of Cr.P.C., before this Hon'ble Court seeking quashing of the proceedings. They also filed an application in Crl.M.P.No.13027 of 2015 in Crl.P.No.9613 of 2015 seeking closure of the case on the ground that

the informant has not filed the above complaint before the police and the averments in Crime No.698 of 2012 are all false. It is further stated that only to harass the petitioners/A.1 to A.5 this false complaint was foisted by the police. It is stated that the said application filed by the petitioners is pending consideration before this Hon'ble Court.

On the other hand, the learned Public Prosecutor submits that initially this Hon'ble Court was not inclined to accept the compromise in a grave offence of this nature and being unsuccessful in getting an order from this Court, the petitioners herein filed the present application in Crl.M.P(SR).No.2172 of 2015 in S.C.No.360 of 2014 on the file of Mahila Sessions Court, Vijayawada, seeking their discharge. An objection was raised by the office of the Mahila Sessions Court, Vijayawada, as to the maintainability of such application pending the quash petition before the Hon'ble High Court. Challenging the said objection, the petitioners have filed the present Criminal Revision Case.

Learned counsel for the petitioners/A.1 to A.5 submits that since the applications under Section 482 and 227 of Cr.P.C., are quite independent and distinct, there is no bar for filing applications simultaneously before two different Forums.

I am afraid that the said argument cannot be accepted. The petitioners cannot be given a chance of

doing a window shopping. As seen from the record, taking the plea of compromise, an application was filed before this Court for quashing of the proceedings. As stated by the learned Public Prosecutor, initially this Court was not inclined to accept the plea of compromise in a grave offence of this nature. It is also to be noted that the application filed by the petitioners for quashing of the proceedings on the ground of compromise is still pending consideration before this Court. That being the position, the petitioners cannot be permitted again to file an application for their discharge before another Forum raising the very same ground. It is well established principle of law that there cannot be two parallel proceedings before two different Forums seeking the very same and identical relief.

In view of the above, I find no merit in this Criminal Revision Case warranting interference by this Court and the same is accordingly dismissed.

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JUSTICE C. PRAVEEN KUMAR

24.02.2016.
Msr

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Msr