

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.7611 of 2017

ORDER :

Heard the learned counsel for the petitioners/ A.1 to A.5 in C.C.No.140 of 2017 on the file of the VII Addl.Metropolitan Magistrate, Cyberabad at Hayathnagar, and also the learned Public Prosecutor for respondent-State and perused the grounds urged in the quash petition and the chargesheet outcome of report of the Head Constable and the statements of witnesses that were registered as FIR in Cr.No.107 of 2017,dt.02.03.2017 of the marriage allegedly performed on 01.02.2017 and the statements of other witnesses L.Ws.2 to 4 i.e. Constable and Manager and Cook of the Veda Patashala where the alleged venue was.

As per the contentions in the grounds of the quash petition that in the Veda Patasala there are certain religious ceremonies everyday going on and it is a private trust and the petitioners used to attend in connection with the various religious customary function and their presence in relation to a customary functions was falsely reported in a different manner and there is no such marriage was performed much less to the minors and the very report of the Head Constable is with no basis.

The learned Public Prosecutor submits that the police investigation discloses accusation thereby there is nothing to quash the proceedings but for ask them to face the trial.

In deciding the point for consideration as to whether there is any sustainable accusation to continue post-cognizance C.C. proceedings against all the petitioners?

As per the very report of the Head Constable of Hayathnagar Police Station, dt. 03.02.2017 at about 8P.M. that was registered as a Cr.No.107 of 2017 u/sec.10 of the Prohibition of Child Marriage Act,2006 by the Station House Officer, reads that his name is G. Ramesh Babu and on that day evening at about 6.00 P.M. when he was doing patrolling in and around the Peddamberpet area, he came to know that there was some child marriage performed at Veda Patasala on 01.02.2007 and he went there and came to know that already there was a marriage stated performed and thereby he reported the same.

The statements of the so called two witnesses by names Boda Uday Kumar and K.V.S.S.G.Raja Rao, show that they are working as Manager and Cook respectively in the Veda Patasala running as trust and the accused persons were performing Pooja on that day i.e. on 03.02.2017 for which permission is accorded and the two children belong to them and there was no marriage performed in their presence. The other statement is that of the Constable who followed the Head Constable, leave about the FIR nowhere disclose what the source of information, not even the case of marriage was performed on 03.02.2017, but for allegedly performed on 01.02.2017 and even to say there is no any whisper much less worthwhile. Thereby continuation of the proceedings, that too when no any marriage was performed as per the

statements of two employees of the Veda pastasala, are nothing but abuse of process.

Accordingly and in the result, the Criminal Petition is allowed by quashing the proceedings in C.C.No.140 of 2017 on the file of the VII Addl.Metropolitan Magistrate, Cyberabad at Hayathnagar, against the petitioners/A.1 to A.5 and they are acquitted. Their bail bonds shall stand cancelled. Pending miscellaneous petitions, if any, shall stand closed.

Date:19.09.2017
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Dr. B.SIVA SANKARA RAO J,

