

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.6965, 6966 and 6967 of 2011

COMMON ORDER:

Since the petitioners in all the criminal petitions are one and the complaints, though filed by different complainants, are similar, the criminal petitions are being disposed of this common order with the consent of the learned counsel for the petitioners and the learned Public Prosecutor.

2. The criminal petitions are filed for quash of proceedings in CC.Nos.311, 310 and 312 of 2009 on the file of the XVII Additional Chief Metropolitan Magistrate, City Civil Court, Hyderabad respectively. The offences alleged are under Sections 405, 406, 406, 415 and 420 of the Indian Penal Code, 1860.

3. Heard the counsel for the petitioners and the learned Public Prosecutor appearing on behalf of the first respondent. None appears for the second respondent in spite of notice in all the cases.

4. The counsel for the petitioner draws the attention of this Court to the judgment rendered by the Metropolitan Sessions Judge, Hyderabad in CC.No.16 of 2005 dated 13.06.2008, which relates to the complaint with similar allegations, wherein the accused therein, who are the petitioners herein, were acquitted. An appeal is filed against the said judgment, which is stated to be pending.

5. A perusal of the judgment and the complaint, in the present cases, would show that the cause of action is one and the same. There is no denial of the said fact by the learned Public Prosecutor.

Hence, in the circumstances in which the earlier complaint is filed with same allegations and when the same has ended in acquittal, the present complaints are not maintainable. Hence, the further proceedings cannot be permitted to be continued.

Hence, in the above circumstances, the criminal petitions are allowed and further proceedings in CC.Nos.311, 310 and 312 of 2009 on the file of the XVII Additional Chief Metropolitan Magistrate, City Civil Court, Hyderabad respectively, against the petitioners, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 21, 2017
DSK

T. RAJANI, J

