

SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.3754 OF 2011

ORDER:

The petitioners-A1 and A2 filed this Criminal Petition under Section 482 of the Code of Criminal Procedure (Cr.P.C.) seeking to quash the proceedings in Crime No.66 of 2011 of II Town P.S., Kurnool for the offences punishable under Sections 463, 464, 466, 468, 420, 120-B and 34 of the Indian Penal Code and Section 156(3) Cr.P.C.

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the first respondent and the learned counsel for the second respondent.

The grievance of the complainant is that the petition, which was filed for recall of non-bailable warrant (NBW) issued against A2, for whom A1 is the counsel, contains signature of A2 but does not pertain to A2 and it is a forged signature. Counsel for the petitioners submits that the complainant filed a complaint and the same was numbered as C.C.No.415 of 2009 and during pendency of C.C.No.415 of 2009, due to the absence of A2 on one given date of adjournment, NBW was issued and the petition for recall of NBW was filed and NBW was recalled on the same day. Thereafter, the case ended in acquittal by virtue of judgment dated 31.01.2011. The complaint in the present case is filed on 18.03.2011 after more than one and a half months of the case ending in acquittal.

Even if the allegation is considered as true, no offence stands to be there against the petitioners as even if NBW is kept pending, when the case ended in acquittal, the NBW automatically stands recalled. Hence, this Court opines that it is a sheer abuse of

process of law to allow any further proceedings in the above crime and it can be observed that this is completely a vexatious complaint filed by the complainant.

Accordingly, the Criminal Petition is allowed and the proceedings in Crime No.66 of 2011 of II Town P.S., Kurnool against the petitioners-A1 and A2 are hereby quashed. Miscellaneous petitions, if any, pending shall stand closed.

(T.RAJANI, J)

15th November 2017
RRB

