

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Criminal Petition No.6377 of 2011

Date: 04.10.2017

Order:

This Criminal Petition is filed by the petitioner/appellant in Criminal Appeal No.190 of 2009 on the file of the IV Additional Sessions (FTC) Judge, Warangal, to quash Order, dated 23.11.2010, passed therein.

Heard the arguments of the learned Counsel for the petitioner and the learned Public Prosecutor appearing for respondent No.1.

From a perusal of the record, it appears that there was a matrimonial dispute between the petitioner and his wife and in that connection, the wife of the petitioner lodged a complaint, which was registered as Crime No.190 of 2007 under Sections 498-A and 506 IPC and Sections 2 and 3 of the Dowry Prohibition Act at Women Police Station, Warangal. After filing of chargesheet, the matter was taken cognizance and the Crime was numbered as CC.No.234 of 2009 on the file of the VII Additional Judicial I Class Magistrate, Warangal.

While the CC was pending, the petitioner moved Crl.M.P.No.2301 of 2009 under Section 340 Cr.P.C., before the trial Court, to take action under Sections 193 and 195 of IPC against respondent Nos.2 to 7 as they have, allegedly, committed

the offence of perjury. The trial Court, by its Order, dated 19.08.2009, dismissed the same on the ground that it was premature as CC.No.234 of 2009 was pending. Aggrieved by the said order, the petitioner has approached the lower appellate Court by filing Criminal Appeal No.190 of 2009, by which the order of the trial Court was confirmed.

It is submitted by the learned Counsel for the petitioner that there was a mutual compromise/settlement between the petitioner and his wife; that and a Deed was also executed by the parties on 28.10.2013, a copy of which is placed before the Court; that subsequently, by Judgment, dated 02-01-2014, the CC was disposed of on merits; that accused Nos.1 to 3 were found not guilty of the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act and were, accordingly, acquitted; and that however, no observation with regard to perjury was recorded in the said Judgment.

In view of the facts and circumstances of the case and in view of the concurrent findings recorded by both the Courts below, no relief can be granted to the petitioner in this Criminal Petition under Section 482 of Cr.P.C. and the same is liable to be dismissed.

The Criminal Petition is, accordingly, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Gudiseva Shyam Prasad, J)

Dt: 4th October, 2017
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