

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2342 OF 2017

ORDER:

The present criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in C.C. No.161 of 2015 on the file of Judicial Magistrate of First Class, Madakasira, Anantapur District.

2. The petitioner/accused alleged to have committed the offences punishable under Sections 323, 494, 307, 148 read with Section 149 of I.P.C.

3. Heard Sri M. Jayaram Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The submission of the learned counsel for the petitioner is that the petitioner is falsely implicated, that the 2nd respondent/*de facto* complainant herein has even filed another complaint in Crime No.12 of 2015 of Agali P.S. under Sections 323, 494, 307, 148 read with Section 149 of I.P.C. not only arraigning the petitioner herein but also his family and that the said complaint on committal numbered as Sessions Case No.262 of 2016 on the file of Assistant Sessions Judge, Hindupur, and after full-fledged trial all the accused, including the petitioner, were acquitted by judgment dated 28.09.2016. Substantially, that has been the stand taken now to hold that the

continuation of proceedings in the afore said Calendar Case would amount to abuse of the process of law.

5. The learned Additional Public Prosecutor for the State of Andhra Pradesh strongly resisted the request contending that it is a case where a hapless girl was subjected to exploitation initially by luring her and even marrying her in Anjaneya Swamy Temple of Sira village and leading life for sometime happily, and thereafter, the petitioner resorting to acts of cruelty.

6. Perused the contents in the charge-sheet and the complaint and the First Information Report. In fact, Section 161 Cr.P.C. statements have not been filed, but only copy of the judgment in S.C. No.262 of 2016 is filed.

7. What all can be culled out from the material placed on record is, there are *prima facie* allegations to substantiate the charge leveled against the petitioner and, therefore, it is not a case to view the prosecution of the petitioner for the offence punishable under Section 498-A of IPC would amount to abuse of the process of law. The acquittal in Session Case No.262 of 2016 is no ground to quash the proceedings in the aforesaid Calendar Case, as requested.

8. At the most, the judgment in S.C. No.262 of 2016 may constitute a piece of documentary evidence in accordance with evidentiary rule and hence, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

Dt. 24.03.2017
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