

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION NO.6376 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code to quash the proceedings in C.C. No.1541 of 2010 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence punishable under Section 506 of the Indian Penal Code.

2. The second respondent is the complainant and the petitioner is the sole accused. The case of the complainant is that the accused made her phone calls and abused her in filthy language and threatened her with dire consequences and also on one occasion, he made an attempt to pull her into the car and take away. His demand was that the complainant should withdraw the complaints made by her against his family members under Section 498-A IPC. The petitioner is the younger brother of the husband of the complainant.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent State.

4. It is stated that the investigation in this case has been completed and charge sheet is filed. In the complaint as well as in the charge sheet there are no specific allegations made out to attract the ingredients of Section 506 IPC and the allegations are very vague. The investigation does not disclose the particulars of

the persons to whom the telephone numbers and the car No. AP 28 AW 3760 belongs to. It is also submitted that the marriage of the elder brother of the petitioner with the second respondent ended in divorce.

The learned counsel appearing for the petitioner relied on **INDER MOHAN GOSWAMI AND ANOTHER Vs. STATE OF UTTARANCHAL AND OTHERS**¹, wherein, it is held by the Apex Court that while exercising the power under Section 482 Cr.P.C., Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the accused.

5. In the light of the above discussion, the Criminal Petition is allowed and the proceedings in C.C. No. 1541 of 2010 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad are quashed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 13-10-2017
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¹ (2007) 12 Supreme Court Cases 1