

SMT JUSTICE T.RAJANI

CRIMINAL PETITION NO.8871 OF 2011

ORDER:

The petitioners-A1 and A2 filed this Criminal Petition under Section 482 of the Code of Criminal Procedure, seeking to quash the proceedings in C.C.No.272 of 2010 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar, for the offences punishable under Sections 498-A and 323 of the Indian Penal Code (IPC).

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

Petitioners' counsel submits that earlier the complainant i.e. the first respondent herein filed a complaint and a crime was registered in Crime No.1545 of 2008 based on her complaint, which was later numbered as C.C.No.1119 of 2009. Later, based on the compromise entered into between the parties, the matter was closed. The terms of compromise show that the parties are living together by the date of compromise amicably and that they have no disputes. Based on the said compromise, the proceedings in the above case were quashed by this Court by virtue of order in CrI.P.No.6986 of 2009 dated 22.01.2010.

Now, this complaint is filed with the same allegations as were made in the earlier complaint. One allegation which is made in addition to the old complaint is that on 16.09.2010 evening at about 6 pm, the complainant questioned her husband and mother-in-law as to why they were beating her son and then, they beat her with hands.

Section 498-A IPC does not get attracted to the above alleged acts of the accused. Cruelty, as defined under Section 498-A IPC, requires wilful conduct on the part of the petitioners which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (mental or physical) of the woman or harassment of the woman with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Hence, the above acts of the petitioners do not get attracted to Section 498-A IPC. Hence, on the face value of the complaint itself, no offence is made out and permitting further proceedings would only result in abuse of process of law.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.272 of 2010 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar against the petitioners-A1 and A2 are hereby quashed. Miscellaneous petitions, if any, pending shall stand closed.

(T.RAJANI, J)

15th November 2017
RRB