

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION Nos.9734 and 9735 of 2011

COMMON ORDER:

Since both the petitions are filed against the same C.C. No.933 of 2010 on the file of the Additional Judicial First Class Magistrate, Anantapur, they are being disposed of by this common order.

These criminal petitions are filed seeking for quash of the proceedings in C.C.No.933 of 2010 on the file of the Additional Magistrate of First Class, Anantapur.

Heard learned counsel for the petitioners, learned Public Prosecutor for the 1st respondent and the learned counsel for the respondents 2 to 4.

The grievance of the complainant is that the marriage was fixed between the daughter of the complainant and A-1 and they have given Rs.8,00,000/- as gift to A-2 and later marriage was cancelled. When the complainant's party asked for the reasons, the accused party demanded for a car in addition to the amount given by them and Rs.5,00,000/- was given towards purchase of the car and thereafter, when the date of marriage was fixed, again the marriage was postponed. Then, on suspicion about the postponement of marriage dates, complainant's party visited the house of the A-2 and enquired with them, upon which, the accused party expressed that they do not like the marriage as A-1 is having illegal contacts with another lady, thereby A-1 to A-4 refused for the marriage with the daughter of the complainant.

The counsel for the petitioners contends that there is absolutely no evidence, at least, elementary evidence, to substantiate the averments in the complaint. But the allegations, with regard to handing over of Rs.8,00,000/- to A-2, are specific. The allegation that the accused party expressed that A-1 has relationship with another lady would imply that

they do not have an intention to go with the alliance from the beginning. The very same would attract Section 420 IPC. But, so far as, A-3 and 4 are concerned, allegations are very vague. The counsel for the petitioners submits that A-3 was residing in US, at that point of time. The allegations against A-4 are vague and it appears that he is roped in, in order to mount pressure on the accused.

Hence, considering, *prima facie*, allegations, this Court is of the opinion that the proceedings against the petitioners A-3 and 4 are liable to be quashed and accordingly, are quashed. So far as proceedings against A-2 are concerned, they shall go on. Interim stay granted by this Court on 12.10.2011 in CrI.P.MP.No.10650 of 2011 shall stand vacated.

In the result, Criminal Petition No.9734 of 2011 is partly allowed and the Criminal Petition No.9735 of 2011 is allowed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Date: 26.12.2017
LSK

JUSTICE T. RAJANI

