

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.3436 of 2011

ORDER:

1. This petition is filed by the petitioners-accused Nos.2 to 5 under Section 482 Cr.P.C. seeking to quash the proceedings against them in C.C.No.72 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

2. The contention of the petitioners is that earlier on the same allegations, the 1st respondent made a complaint and the same was investigated and charge sheet was filed and numbered as C.C.No.195 of 2010 for the offence under Section 498-A IPC, and that two F.I.Rs for the same offence are not maintainable.

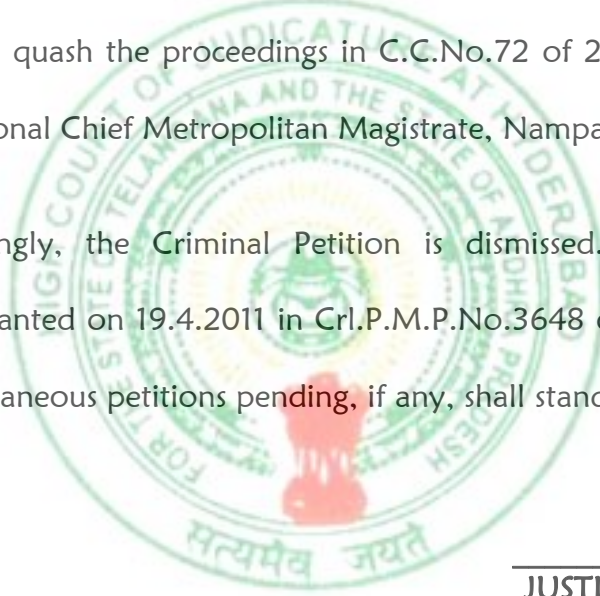
3. The learned Public Prosecutor submitted that the allegations, which were made in C.C.No.195 of 2010, are also made in C.C.No.72 of 2011.

4. A perusal of the record goes to suggest that no doubt, the complainant submitted a complaint in Crime No.547 of 2008 for the offence under Section 498-A IPC on 28.12.2008. Again on the same facts, the 1st respondent gave a complaint in Crime No.299 of 2010, dated 17.5.2010 and after thorough investigation, charge sheet was filed for the offence under Section 406 r/w 34 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

5. A careful perusal of the record goes to show that there is a clear assertion by the investigation agency that after completion of the investigation, charge sheet was filed in respect of the earlier complaint for the offence under Section 498-A IPC on 30.3.2009 and the same was

numbered as C.C.No.195 of 2010 and for that reason, the offence under Section 498-A IPC is deleted in the present charge sheet and as no offence is made out for the offence under Section 420 IPC, charge sheet is not filed for that offence. The charge sheet however goes to suggest that after C.C.No.195 of 2010, the complainant was not allowed into her matrimonial house by the petitioners and they refused to return her gold and other jewellery articles, which were given in marriage. The refusal to return her gold and jahez articles was subsequent to the said C.C.No.195 of 2010. Therefore, the charge sheet was filed and it was numbered as C.C.No.72 of 2011 and the said case is at the stage of trial. I do not find any reasons to quash the proceedings in C.C.No.72 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

6. Accordingly, the Criminal Petition is dismissed. Consequently, interim stay granted on 19.4.2011 in CrI.P.M.P.No.3648 of 2011 is vacated and the miscellaneous petitions pending, if any, shall stand closed.



JUSTICE N. BALAYOGI

Date: 11th October, 2017
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