

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.2069 of 2017

ORDER:

This petition is filed for quash of proceedings in C.C.No.155 of 2017 against the petitioners/A.1 and A.3.

Heard learned counsel for the petitioners. Learned Public Prosecutor takes notice for the first respondent. Both of them agree for the matter to be disposed of at the admission stage.

Learned counsel for the petitioners submits that allegations in the complaint do not constitute the offences punishable under Sections 420, 323 and 506 IPC against the petitioners.

A perusal of the complaint shows that there is an allegation against the first petitioner that from the beginning, she was negligent and careless towards the household concerns and children and she developed extra-marital relations with the second petitioner. With regard to the second petitioner, the allegations are that on the instigation of the first petitioner, he is constantly threatening the complainant and demanding a lump sum of Rs.50,00,000/-. Hence, when such are the allegations against the petitioners, the inherent powers of this Court cannot be exercised. It is only under special circumstances, inherent powers under Section 482 Cr.P.C. can be exercised. In view of the fact that there are allegations which *prima facie*

constitute the offences alleged against the petitioners, I consider that it is not a fit case for quash of proceedings in C.C.No.155 of 2017 against the petitioners. The petitioners are however at liberty to file a discharge petition before the Court as it is an effective remedy and they can raise all the pleas raised before this Court in the discharge petition.

With the above observations, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed.

24th OCTOBER, 2017.

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SMT. T. RAJANI, J

