

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11719 of 2011

ORDER:

This petition is filed by the petitioner, who is Accused No.2, seeking for quash of the proceedings against her in C.C.No.330 of 2008 on the file of the Court of X Metropolitan Magistrate, Cyberabad at Malkajgiri.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. The counsel for the 2nd respondent did not appear in spite of notice.

3. A perusal of the complaint shows that the transaction is between A1, who is the husband of A2, and the complainant and that A1 borrowed some amount from the complainant. In order to discharge the said amount, he made his wife/A2 to execute an agreement of sale, pertaining to a land belonging to her and later he failed to execute the sale deed in spite of repeated demands. Thereafter, the allegations are that the accused cheated the complainant and failed to return the money when he asked for the return of the money. Later A1 is the person against whom it is stated that he abused the complainant in filthy language and paid him. No allegations with regard to cheating or criminally intimidating the complainant are made against A2. The offence that was alleged against A2 is only with regard to cheating, but she is not the person, who voluntarily entered into agreement. It appears from the averments of the complainant, that it is at the behest of her husband that she entered into an

agreement of sale. Hence, at any stretch of imagination, it cannot be said that A2 had any intention to cheat the complainant. She seems to be playing according to the dictates of her husband/A1. Hence, absolutely A2 seems to be innocent. The continuance of proceedings against A2 would only result in sheer abuse of process of law.

4. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.330 of 2008 on the file of the Court of X Metropolitan Magistrate, Cyberabad at Malkajgiri are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 17, 2017
LMV



T. RAJANI, J