

THE HON' BLE MS JUSTICE J.UMA DEVI

Criminal Petition No.2962 of 2011

ORDER:

This Criminal Petition is filed by the petitioner/ Accused No.2 seeking to quash the proceedings in C.C. No.296 of 2016 on the file of Judicial First Class Magistrate, Uttoor, Adilabad District.

2. Heard learned counsel for petitioner/ accused No.2. Respondent No.2 has not entered appearance either personally or through an advocate even after service of summons on her.

3. A perusal of the complaint shows that one Sngari Suguna—2nd respondent herein filed a complaint against the present petitioner and another by name Sngari Rajanna contending that the marriage of defacto complainant was performed with Sngari Rajanna in the year 1994 and she lived happily with him for seven years. In the year 2003, when she gave birth to a female child, she was harassed physically and mentally by her husband as she could not gave birth to a male child. In the year 2005, her husband left the house by taking the petitioner with him and reached Bombay.

4. The allegation made against the present petitioner by the complainant (2nd respondent) herein is that her husband (accused No.1) is induced by her to harass her physically and mentally. The allegations so made by the 2nd respondent according to the petitioner are totally false and she is in no way concerned with the present case. The petitioner's contention is that there is no whisper in the charge sheet,

that there was demand from her. The respondent No.2 to bring additional dowry, and that the allegations made in the charge sheet do not satisfy the ingredients of Section 498-A IPC and that the chances of her conviction in the above case are remote.

5. The facts which are not in dispute are that the case is registered against the petitioner and another under Section 498-A IPC and the police have laid the charge sheet against them. The Magistrate has taken cognizance under Section 498-A IPC and the trial in the above case has not been conducted so far though the case registered in the year 2006.

6. The petitioner seems to have approached this Court in the year 2011 seeking to quash C.C. No.296 of 2006 by raising one of the grounds that non-conducting of the trial in the above case has taken away the right guaranteed to her under Article 226 of Constitution of India. It is from the fact which one cannot dispute is that the trial in the above case could not be proceeded from 2001 onwards because of the stay ordered by this Court in an application filed by the petitioner.

7. Having due regard to the submission made by the petitioner's counsel that right guaranteed to the petitioner to have speedy trial, is defeated because of pendency of C.C. No.296 of 2016 on the file of Judicial Magistrate, Utnoor, Adilabad District since 2006, this Court feels that it is appropriate to dispose of the present case leaving it open to the petitioner to avail an appropriate remedy available under law instead of keeping the criminal petition pending since 2011 onwards.

8. Accordingly, the Criminal Petition is disposed of. As sequel to it, Miscellaneous Petitions, if any pending, shall stand dismissed. No order as to costs.

J.UMADEVI, J

04.10.2017
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