

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRL.P.No.8088 OF 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in C.C.No.104 of 2011 on the file of Judicial Magistrate of First Class, Punganur, Chittoor District.

The petitioners are A2 and A3 in the above C.C and respondent No.2 is the complainant.

The brief facts of the case are that the 2nd respondent-T.Sujatha is resident of Teachers Colony, Punganur Town and she has been working as Multi Purpose Health Assistant (Female) on contract basis at Ramasamudram Primary Health Centre. A1 is residing opposite to the house of the 2nd respondent. The 2nd respondent believing A1 that he will marry her, went along with him several times on his scooter and they also cohabitated for some time. Thereafter, A1 took the 2nd respondent to Boyakonda, Chennai, Mogili and other places and cohabitated with her and both of them used to meet with each other during the absence of her inmates in her house. A1 has been working in HCL company at Chennai and in the year 2010 several times A1 took her to Chennai. There was a telephonic conversation between the 2nd respondent and A1 and A1 sent SMS giving his willingness to marry her.

It is the case of the prosecution that during the month of February, 2011, A1 along with his parents, A2 and A3 went to see marriage alliance at Bangarupalyam suppressing the love affair of A1 with the 2nd respondent. Having come to know about the said fact, the 2nd respondent questioned A2 and A3. They assaulted and threatened her with dire consequences that they will see her end. On the basis of the complaint given by the 2nd respondent, the Sub Inspector of Police,

Punganur Police Station registered a case in Crime No.98 of 2011 under Sections 417, 420 and 506 read with 34 of IPC and filed charge sheet.

Heard learned counsel for the petitioners and the 2nd respondent and the Additional Public Prosecutor.

Learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offences and that the 2nd respondent intentionally implicated them only on the ground that they are parents of A1 and to bring pressure on A1 to marry her.

Learned counsel for the 2nd respondent submitted that A1 having promised to marry the 2nd respondent, cohabitated with her several times and went to see another alliance with A2 and A3 and that A2 and A3 beat her and threatened her with dire consequences, if she interfere with the affairs of the marriage of their son and therefore, the petitioners are not entitled for quashing of the proceedings.

Learned Additional Public Prosecutor submitted that the police have investigated the matter and filed charge sheet.

On perusal of the complaint filed by the 2nd respondent and charge sheet, they reveal that A1 to A3 have gone to see the alliance for A1 suppressing the love affair of A1 with the 2nd respondent and that when the 2nd respondent came to know about the said fact, she questioned A2 and A3, for which they assaulted her and threatened her with dire consequences. The allegations against the petitioners *prima facie* reveal their involvement in the commission of offence, which are to be proved by cogent evidence during trial. Therefore, there are no grounds to quash the proceedings.

Learned counsel for the petitioners further submitted that the presence of the petitioners may be dispensed with during trial before the trial Court.

Accordingly, the criminal petition is dismissed. However, the petitioners are at liberty to file a petition before the trial Court to dispense with their presence. On filing such an application, the trial Court is directed to pass appropriate orders on the same dispensing with their presence except on the occasion of recording their evidence and whenever their presence is required.

Miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD,J

21.09.2017
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