

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.12738 of 2017

ORDER

This criminal petition is filed under Section 482 of Cr.P.C., to quash the proceedings in Cr.No.107 of 2017 of Machilipatnam Town Police Station, Krishna District, registered for the offences punishable under Sections 356, 290, 506 read with Section 34 IPC, against petitioners/A1 and A2.

2. The second respondent lodged a report with the police on 11.12.2017 making serious allegations against the petitioners. On the strength of the same, the police registered the above crime and issued FIR.

3. The main contention of petitioners is that the 2nd respondent earlier lodged a report with the police on 29.11.2016 and the same was registered as Cr.No.22 of 2016 of Women Police Station, Krishna District, for the offence punishable under Section 498-A IPC and under Sections 3,4 and 6 of Dowry Prohibition Act, which is under investigation. His further contention is that at page No.2 of the said report, a specific allegation was made by the 2nd respondent that 'in the month of November i.e., 17.11.2016, they performed the function of 'Annaprasana' of her son in India at the residence of her father-in-law and that on 13.11.2016, they came to Machilipatnam from U.S.A. and celebrated Annaprasana on 17.11.2016. On 19.11.2016, she was subjected to cruelty for her failure to meet the illegal demand for payment of dowry etc., and on the strength of the same, a case was registered in Cr.No.22 of 2016 of Women Police

Station, Krishna District, and repeating the same allegations and adding few other allegations with regard to forcibly taking away the certificates etc., by her husband, she filed the present complaint, but the date of offence is one and the same. His further contention is that the second FIR for the same incident is not permissible.

4. No doubt, second FIR for the same incident is not permissible, but there are certain exceptions to it. However, at this stage, it is difficult to decide all these facts, but the incident is one and the same in both the crimes where investigation is pending. Therefore, the investigating agency is directed to enquire into the allegations made in the present complaint along with Cr.No.22 of 2016 of Women Police Station, Krishna District, and file a single final report before the competent Court, and the Superintendent of Police, Krishna District, is directed to withdraw Cr.No.107 of 2017 of Machilipatnam Town Police Station, Krishna District, and transfer the same to Women Police Station, Krishna District, to investigate into both the crimes and file final report.

5. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

21st December, 2017

sj