

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.1551 OF 2013

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - accused No.7 seeking to quash the proceedings in Calendar Case No.48 of 2011, pending on the file of the Additional Judicial Magistrate of First Class, Jagtial, registered for the offences punishable under Sections 498-A and 506 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the State of Telangana. The notice sent to respondent No.2 is returned un-served with an endorsement 'Addressee not found'.

3. The learned counsel for the petitioner submits that initially, the name of petitioner - accused No.7 was not mentioned in the complaint given by *de facto* complainants, and based on the statement of the *de facto* complainant, his name got to be included and charge sheet was filed against him.

4. A perusal of the complaint shows that no whisper is made against this petitioner. The charge sheet, however, shows the name of this petitioner. But, the allegations against him are very vague. It only mentions that accused Nos.1 to 5 started harassing the *de facto*

complainant, and later on, it states that accused Nos.1 to 5 and 7 did not change their attitude, without mentioning the attitude of accused No.7. So, it cannot be understood as to what attitude of accused No.7 was not changed. At another place of charge sheet, the names of accused No.2 to 5 and 8 were mentioned as the persons, who abetted accused No.1 to get married for the second time. Hence, on the face of record, it can be seen that there are no allegations made against this petitioner - accused No.7, and continuation of proceedings against him in the aforesaid Calendar Case would only amount to abuse of process of law.

5. Hence, considering the above, the present Criminal Petition is allowed and all the proceedings in Calendar Case No.48 of 2011, pending on the file of the Additional Judicial Magistrate of First Class, Jagtial, against the petitioner - accused No.7 are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

December 14, 2018
Mgr

SMT. T. RAJANI, J