

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8460 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioner, who is A2, in C.C.No.8 of 2011 on the file of the Court of V Additional Judicial Magistrate of First Class, Rajahmundry. The offences alleged against the petitioner are under Sections 498A, 324 r/w 34 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent as well as the counsel appearing for the 2nd respondent.

3. The counsel for the petitioner submits that the petitioner is the brother-in-law of the *de facto* complainant and that the allegations made against him do not attract the alleged offences.

4. But a perusal of the complaint given by the *de facto* complainant shows that the allegation against this petitioner is that he was supporting A1 and has been encouraging him by saying that if the complainant does not leave her husband, no share would be given in the property. Hence, from the said statement, it can be understood that this petitioner was not roped in without any reason. It is not a case where all the family members are roped in.

5. However, the allegation so far as the offence under Section 324 IPC, is concerned, do not seem to be attracting to this

petitioner. Hence, the proceedings insofar as the offence under Section 324 IPC are liable to be quashed.

6. Insofar as the proceedings against the petitioner with regard to the allegations constituting the offence under Section 498A IPC are concerned, are not liable to be quashed. However, the police are directed to comply with the directions of the apex court in CrI.A.No.1265 of 2017 (SLP (CrI.) No.2013 of 2017 in *Rajesh Sharma & others v. State of U.P. & another.*

7. With the above observations, the Criminal Petition is partly allowed quashing the proceedings against the petitioner insofar as the offence under Section 324 IPC and is dismissed with regard to the proceedings against the petitioner for the offence under Section 498A IPC.

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

August 29, 2018
LMV

T. RAJANI, J