

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

CRIMINAL PETITION No.3662 OF 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in P.R.C.No.33 of 2009 on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

The brief facts of the case are that, the 2nd respondent lodged a complaint alleging that he performed the marriage of his daughter viz., Kirthi with A1 in the year, 2007. At the time of marriage, he gave dowry of Rs.3 lakhs. She was blessed with a son aged about 1 ½ years and she was pregnant by the date of complaint. It is alleged that her in-laws started harassing her for additional dowry of 10 tulas of gold and passion vehicle and silver utensils worth Rs.40,000/-. Again they have harassed her for money of Rs.2 lakhs for their business. The *de facto* complainant received a call at 12 noon that her daughter Keerthi died by hanging in her in-laws house and immediately they rushed there and found her dead and therefore, he lodged a complaint against her husband and her in-laws. Basing on the complaint, the police registered a case in Crime No.101 of 2009 dated 27.07.2009 and after investigation they filed the charge sheet against A.1 to A.5 alleging that they have committed the offence punishable under Section 304-B IPC.

Heard Sri Md.Muzaferullah Khan, learned counsel for the petitioner and Sri C.B.Ram Mohan Reddy, learned counsel for the 2nd respondent and learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

Learned counsel for the petitioner submits that the learned III Additional Metropolitan Sessions Judge *vide* judgment dated 06.02.2014 in

S.C.No.335 of 2012 found A.1 to A.4 not guilty for the offences punishable under Sections 304-B and 302 IPC and acquitted them. He also submits that since the case against A.1 to A.4 is acquitted, the prosecution against A.5 is abuse of process of law. Therefore, he sought for quashing the proceedings against the petitioner in the said PRC.

Learned counsel for the petitioner placed reliance on the decisions of this Court in *Thallapalli Rajaiah @ Pogula Rajaiah v. State of A.P.*¹ and *Azghar Ahemd Khan v. State of A.P.*² and submits that this Court had entertained the petitions under Section 482 Cr.P.C. and quashed the proceedings basing on the merits of the cases.

Learned counsel for the 2nd respondent has not opposed for quashing the proceedings against the petitioner.

Having regard to the submissions of the learned counsel for the petitioner and since the learned counsel for 2nd respondent has not opposed for quashing the proceedings and in view of the fact that even if the proceedings are not quashed in this case, the trial Court has no option except to acquit the petitioner/A.5 since the main accused have already been acquitted of the charges levelled against them. It is a matrimonial offence under Sections 304-B and 302 IPC. The trial Court has appreciated the evidence on record and acquitted A.1 to A.4 and no appeal has been preferred challenging the said judgment and therefore, this is a fit case where the proceedings against A.5 can be quashed.

In the result, the Criminal Petition is allowed quashing the proceedings against A.5 in P.R.C.No.33 of 2009 on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

¹ 2000(1)ALT (CrI.)174(A.P.)

² 2002(2) ALD (CrI.) 951(A.P.)

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDI SEVA SHYAM PRASAD, J

Date : 12.04.2018
ssp

