

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.10339 OF 2011

ORDER:

The present Criminal Petition is filed by the petitioners - accused Nos.3 and 4 seeking to quash the proceedings against them in Calendar Case No.272 of 2009, pending on the file of the learned I Additional Judicial Magistrate of First Class, Tenali, registered for the offences punishable under Section Sections 420 and 498-A read with 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short 'Act, 1961').

2. Respondent No.2 - *de facto* complainant lodged a report with the Police against accused No.1 - husband, accused Nos.2 - mother-in-law and accused Nos.3 and 4 - sisters-in-law, and the police registered the aforesaid FIR for the aforesaid offences against them.

3. During arguments, learned counsel for the petitioners - accused Nos.3 and 4 would submit that the learned Magistrate separated the cases as Calendar Case No.237 of 2007 against accused Nos.1 and 2, and Calendar Case No.272 of 2009 against accused Nos.3 and 4; and that the case against accused Nos.1 and 2, who are husband and mother-in-law of respondent No.2 herein underwent trial and they were acquitted, by the judgment, dated 10.10.2011, passed by the learned II Additional Judicial Magistrate of First Class, Tenali, for the aforesaid offences and, therefore, the petitioners herein are also stand on the same footing as the allegations are similar in nature.

4. Hence, considering the above facts and circumstances, the present Criminal Petition is allowed, quashing the proceedings against petitioner Nos.1 and 2 - accused Nos.3 and 4 in Calendar Case No.272 of 2009, pending on the file of the learned I Additional Judicial Magistrate of First Class, Tenali, registered for the offences punishable under Section Sections 420 and 498-A read with 34 IPC Sections 3 and 4 of the Act, 1961.

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

September 27, 2018
Mgr

SMT. T. RAJANI, J

