

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.6549 of 2011

ORDER:

This petition is filed, by the petitioners, who are A1 to A5 and A9, seeking for quash of the proceedings against them, in C.C.No.572 of 2006 on the file of the Court of Additional Judicial magistrate of First Class, Miryalguda. The offences alleged against the petitioners are under Section 498A IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing, for the 1<sup>st</sup> respondent. None appears for the 2<sup>nd</sup> respondent in spite of notice.

3. The counsel for the petitioners submits that there was an earlier complaint filed by the complainant with the very same allegations and that a case was registered for the offence under Section 498A IPC in Crime No.73 of 2006 on the file Vemulapalli Police Station, Nalgonda District, and that the trial was conducted in respect of the said complaint and that the accused, who are the same as in this crime, were acquitted.

4. The counsel for the petitioners also draws attention of this court to the allegations made in the two complaints. A perusal of the same would show that the allegations that the accused harassed her and that her husband was expressing that he would marry again were already made. Now in the present complaint, she states that A1 married another woman by name

Swarnalatha and she did not mention the facts that were made in the earlier complaint in the present complaint and also about the fact of the accused being acquitted in the said case.

5. The counsel, in support of his contention that the suppression of the earlier complaint would itself entitle the petitioners for quash of the further proceedings in this case, relies on the order, dated 19.02.2008, passed by this court in Crl.P.No.7256 of 2007, wherein this court, by relying on the judgment of the apex court in *T.T.Antony v. State of Kerala and others with Damodaran P. and others v. State of Kerala and State of Kerala and others v. Revada Chandrasekhar and others*<sup>1</sup> held that when the complainant for not valid reasons suppresses the fact of earlier complaint, which indicates lack of *bona fides* on her part, continuance of further proceedings against the petitioners for the alleged offences is nothing but abuse of process of law, quashed the proceedings against the petitioners therein.

6. Hence, in the light of the principle laid down by the apex court supra, the further proceedings against the petitioners in this crime also are liable to be quashed.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.572 of 2006 on the file of the Court of Additional Judicial magistrate of First Class, Miryalguda, are quashed.

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<sup>1</sup> AIR 2001 SC 2637

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

August 27, 2018  
LMV

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T. RAJANI, J

