

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.11636 OF 2011

ORDER:

This petition is filed by the petitioners, who are A3 to A6 respectively, seeking to quash the proceedings in CRL.MP.No.4177 of 2009 in CC No.353 of 20110 on the file of the court of Additional Judicial Magistrate of First Class, Kavali. The offence alleged are under Section 435 r/w 34 IPC.

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

3. Initially, on the complaint lodged by the complainant, investigation was taken up and charge sheet was filed against two persons i.e, A1 and A2, deleting the names of these petitioners. Questioning the said final report, a protest petition was filed and the court, by virtue of the order dated 20.10.1999, took cognizance of the case and ordered addition of the names of the petitioners as A3 to A6 in the final report.

4. The counsel for the petitioners submits that the order does not reflect any reasons for taking cognizance on the protest petition. The charge sheet shows list of ten witnesses and it also shows that on the basis of the statements of the witnesses, the investigating officer came to an opinion that the case exists only against A1 and A2. Now the petitioners' counsel submits that the case against A1 and A2 was split up and a judgment was rendered in this case, which was numbered as C.C.No.353

of 2010 and by virtue of the judgment, dated 18.09.2017, they were acquitted.

5. Hence, in view of the above, this court opines that continuation of further proceedings would be an abuse of process of law.

9. With the above observations, the Criminal Petition is allowed and the proceedings in 4177 of 2009 in CC No.353 of 20110 on the file of the court of Additional Judicial Magistrate of First Class, Kavali, against the petitioners, are hereby quashed.

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

December 4, 2018
LMV



T.RAJANI, J