

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5851 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in DVC.No.6 of 2011, against the petitioners, who are A2 to A6, on the file of the VI Additional Judicial Magistrate of First Class, Guntur.

2. Heard the counsel for the petitioners and the learned Public Prosecutor appearing for the second respondent. None appears for the first respondent.

3. The counsel for the petitioners submits that by virtue of the orders in CRLMP.No.5921 of 2011 dated 20.07.2011, this Court granted interim stay of further proceedings against petitioners 2 to 6 only and dismissed the petition so far as petitioner No.1 is concerned. The counsel for the petitioners now submits that since there was no stay with regard to petitioner No.1, the trial went on in respect of the petitioner No.1 and protection order was granted in favour of the complainant and there was also a direction to the first petitioner to pay Rs.5,000/- towards maintenance. The counsel further submits that since the order was made against petitioner No.1, no cause of action survives against petitioners 2 to 6.

4. A perusal of the complaint given by the complainant would show that there are allegations made against all the petitioners but no relief is claimed against petitioners 2 to 6. The report filed before the Protection Officer shows that the complainant only sought some action

to be taken and claimed other reliefs. Since the reliefs, which are appropriate in the background of the allegations made against the first petitioner, are already granted, this Court opines that continuation of further proceedings against the petitioners would only result in abuse of process of law.

In the light of the above, the criminal petition is allowed and the further proceedings in DVC.No.6 of 2011, against the petitioners, who are A2 to A6, on the file of the VI Additional Judicial Magistrate of First Class, Guntur, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

August 28, 2018
DSK



T. RAJANI, J