

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION Nos.9461 OF 2012 AND 1702 OF 2013

COMMON ORDER:

Both these Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), are preferred by the petitioner - accused No.4, seeking to quash the proceedings in Calendar Case Nos.410 and 408 of 2011, respectively, on the file of the Judicial Magistrate of First class, Bodhan, registered for the offences punishable under Section 420 of the Indian Penal Code, 1860, and Section 4 of the Dowry Prohibition Act, 1961.

2. The petitioner in both these Criminal Petitions is one and the same and is arraigned as accused No.4 in the aforesaid Calendar Cases, while respondent No.2 herein is the complainant.

3. Heard the learned counsel for the petitioner, learned counsel for respondent No.2 and learned Public Prosecutor appearing for respondent No.1.

4. The only ground now raised by the learned counsel for the petitioner is, that there are two calendar cases registered based on the same complaint, which is filed by respondent No.2 - Complainant on the same set of facts.

5. In so far as Criminal Petition No.9461 of 2012 is concerned, a perusal of complaint in C.C. Nos.410 of 2011 and 408 of 2011 would show the contents therein are one and the same. Hence, considering the

above, this Court opines that the proceedings in C.C. No.410 of 2011, which is filed subsequent to C.C. No.408 of 2011, can be quashed.

6. In so far as Criminal Petition No.1702 of 2013 is concerned, the learned counsel for the petitioner submits that there are absolutely no allegations made against the petitioner herein. The learned counsel for respondent No.2 also is not in a position to counter the said contention. A perusal of the complaint shows that it supports the contention of the learned counsel for the petitioner.

7. Hence, considering the above, Criminal Petition Nos.9461 of 2012 and 1702 of 2013 are allowed, and the proceedings in Calendar Case Nos.410 and 408 of 2011 against the petitioner - accused No.4, respectively, are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in these Criminal Petitions stand closed.

SMT. T. RAJANI, J

November 13, 2018
Mgr