

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.26 of 2012

ORDER:

The criminal petition is filed for quash of the proceedings in CC.No.338 of 2011 on the file of the II Additional Judicial Magistrate of First Class, Madanapalli, Chittoor District. The offences alleged are under Sections 498-A and 323 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the counsel for the petitioners, the learned Public Prosecutor appearing for the first respondent and the counsel for the second respondent.

3. The counsel for the petitioners submits that the husband of the complainant in this case is no more and he committed suicide by leaving a suicide note. A case was registered against the complainant herein for the offence under Section 306 IPC and the trial Court convicted the complainant for the said offence, against which an appeal was preferred and the judgment of conviction was set aside. Against the same, the petitioners herein preferred an appeal and the same was admitted. The counsel submits that it is only after two months of registering the case against the complainant for the offence under Section 306 IPC, that the present complaint came to be filed.

4. The suicide note, which is also filed, shows that it is categorically mentioned by the deceased, that the reason for his suicide is the harassment meted out to him by the complainant herein. There are no instances of any prior complaint by the complainants.

It is only after her husband committed suicide and after the case was filed against her for the offence under Section 306 IPC, that the complainant thought of filing the present complaint. The allegations, made by her in the complaint and also in her 161 statement, though are grave in nature, do not inspire confidence in the background of the above mentioned facts. In her statement, the complainant stated that after one year after marriage, the petitioners started harassing her. Her marriage was performed on 12.02.2009. In spite of making such allegations, she did not choose to give any report either to any elders or to the police, till this complaint. Hence, in the above circumstances, it appears that this case is filed only as a counter blast to the case filed against the complainant for the offence under Section 306 IPC. Hence, this Court is of the opinion that continuation of any further proceedings would result in abuse of process of law.

In the light of the above, the criminal petition is allowed and the further proceedings in CC.No.338 of 2011 on the file of the II Additional Judicial Magistrate of First Class, Madanapalli, Chittoor District, against the petitioners, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T. RAJANI, J

August 16, 2018
DSK