

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 9489 OF 2011

ORDER :

This Criminal Petition is filed under section 482 of Cr.P.C., seeking quash of the Proceedings in Crime No.37 of 2011 of Manoor Police Station, Medak district, registered for the offences punishable under section 120-B, 506, 366-A, 406, 376, 354, 420, 307, 346 and 323 of I.P.C., against the petitioners.

2. Heard Sri S.Abhay Kumar Sagar, learned counsel for the petitioners and the learned Public Prosecutor representing the respondent No.1/State. None appeared for the second respondent/defacto complainant inspite of service of notice.

3. The present crime is registered for the offences punishable under section 120-B, 506, 366-A, 406, 376, 354, 420, 307, 346 and 323 of I.P.C.

4. The counsel for the petitioners submits that earlier based on the complaint given by the parents of the second respondent herein, a case was registered and it was numbered as S.C.No.292 of 2010 on the file of the Court of Assistant Sessions Judge, Zaheerabad, Medak district. The offence alleged in S.C.No.292 of 2010 was under section 366-A of I.P.C. The counsel for the petitioners draws attention of this Court to the deposition of the second respondent herein, in the said Sessions Case wherein she stated that she fell in love with A-1 one year prior to the date of

giving evidence in S.C.No.292 of 2010 and that she married at Yadagirigutta temple and she is staying at his house. She categorically stated that she voluntarily went along with A-1 and she clearly stated that her age was 20 years at that time. She specifically stated that she acted on her own, as she is a major and she is fully competent to act on her own, and is aware of the consequences. She also states that her parents opposed that match, and as such, her father gave a complaint. She stayed in a rescue home at Sangareddy for three months and thereafter her paternal aunt took her and was staying with A-1 at that time. The earlier complaint was given on 16/03/2010 and this complaint is dated 13/07/2011. The date of offence is stated to be on 08/06/2010. In the present complaint, she alleges that A-1 cheated her and kidnapped her with an intention to marry, A-2 and other members of the family abetted the offence and in that regard a criminal case was registered against the accused. She further alleges that while the complainant was staying with her maternal uncle, A-1 and A-2 hatched the plan to kidnap her again, to escape from the criminal case pending against them. She also states that on 08/06/2010 A-1 and A-2 came to Gudur and met her while she was on the way to the fields of her uncle. A-1 and A-2 assured her that A-1 would marry her after her attaining the majority. From the above facts, the credibility if any on the part of the complainant, gets drained out. On 19/5/2011, which is the date of her deposition given in S.C.No.292 of 2010, she states that A-1 married and that she is

aged 20 years and now in this complaint she states that A-1 promised to marry her after attaining majority. Hence, on the face of the complaint, the allegations appear to be false. In view of the above, this Court opines that continuation of further proceedings in Crime No.37 of 2011 of Manoor Police Station against the petitioners, would only result in abuse of process of law.

5. In the result, the Criminal Petition is allowed and all further proceedings in in Crime No.37 of 2011 of Manoor Police Station against the petitioners be and are hereby quashed.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand disposed of.



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[RESULT :: ALLOWED]

