

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9177 of 2011

ORDER:

This petition is filed, by the petitioner, who is A2, seeking for quash of the proceedings in C.C.No.134 of 2010 on the file of Judicial Magistrate of First Class, Adilabad. The offences alleged are under Sections 498A and 494 IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The petitioner herein is allegedly the second wife of A1, who is the husband of the *de facto* complainant.

4. The counsel for the petitioner submits that earlier the husband of this petitioner also filed a complaint against her for the offence under Section 494 IPC and she was acquitted of the said charge. He also files a copy of the judgment, dated 02.03.2009, passed in C.C.No.26 of 2008 by the Additional Judicial Magistrate of First Class, Karimnagar.

5. Hence, when once the petitioner is acquitted for an offence, she cannot be tried again for the same offence by virtue of Section 300 CrPC under the rule of *Autrefois Acquit And Autrefois Convict*. So far as the offence under Section 498A IPC is concerned, the petitioner cannot be prosecuted for the said offence as she is not a family member of the *de facto*

complainant and, more over, the allegations against her are only that she married A1, which do not attract Section 498A IPC.

6. In view of the above, this court opines that continuance of further proceedings against the petitioner would be an abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioner in C.C.No.134 of 2010 on the file of Judicial Magistrate of First Class, Adilabad, are hereby quashed.

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

September 5, 2018
LMV



T. RAJANI, J