

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7509 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in CC.No.548 of 2009 against the petitioner, who is A1, on the file of the VII Additional Judicial First Class Magistrate, Warangal. The offence alleged is under Section 420 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent. Notice sent to 2nd respondent to the address given in the cause-title was returned unserved.

3. The counsel for the petitioner submits that by virtue of the judgment passed by the VII Additional Judicial First Class Magistrate, Warangal in C.C.No.230 of 2008, the case against A2 was acquitted against whom same allegations were made.

4. A perusal of the aforesaid judgment goes to show that the allegations made against the petitioner-A1 and A2, who was acquitted, are one and the same and therefore, this Court opines that continuation of further proceedings against the petitioner would only result in abuse of process of law.

5. Hence, the criminal petition is allowed and the proceedings in CC.No.548 of 2009 against the petitioner on the file of the VII Additional Judicial First Class Magistrate, Warangal, are hereby quashed.

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

T. RAJANI, J

Date: 03.12.2018
Prv