

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.5945 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') by accused No.4 in Calendar Case No.484 of 2014 pending on the file of the I Additional Chief Metropolitan Magistrate at Vijayawada, Krishna District, registered for the offences punishable under Sections 120-B, 403, 420, 494, 496, 497 and 500 of the Indian Penal Code, 1860 (for short 'IPC') requesting to quash the proceedings against this petitioner - Accused No.4 in the aforesaid Calendar Case on the ground that other accused and *de facto* complainant entered into compromise and the same was recorded by this Court in CrI.P.M.P. No.3376 of 2017 in Criminal Petition No.3376 of 2017 quashing the proceedings and, thus, this petitioner requested to quash the proceedings against him since the allegations made in the charge sheet do not constitute any of the aforesaid offences.

2. During hearing, learned counsel for the petitioner reiterated the same contentions.

3. In an unnumbered paragraph No.2 of page No.2 of the charge sheet, a specific allegation is made that accused Nos.1 and 4 involved themselves in criminal cases; on 31.08.2008, accused No.1 followed by one Javaji Nagabhushanam, working as Clerk in his firm, his wife, Mrs. Indira, their friend Bhavanipuram Venkata Narasimha Murthy and

others in two Cars raided upon the house of Devarakonda Hanumantha Rao, son of Veeraiah, Kakani Nagar, Jaggaiahpet, Krishna District, criminally trespassed into the house, abused him naming his caste since he belongs to Scheduled Caste, threatened him with dire-consequences, criminally intimidated him, beat him with hands with common intention, caused simple hurt and cheated him in the financial matter; and the said incident is subject matter in Crime No.82 of 2008 registered for the offences punishable under Sections 448, 506, 323 and 420 read with 34 IPC.

i) While the matter stood thus, due to ill-feelings, accused Nos.1 to 3 and 5 conspired with one another to cheat LWs.1 to 3 and knock away their property. In pursuance of their criminal conspiracy, accused Nos.1 to 3 and 5 influenced LWs.1 to 3 through one Astrologist, Prasad of Guntur that horoscope of LW.1 and Accused No.3 were suitable to each other to solemnize the marriage and cheated LWs.1 to 3. Believing the version of the said Astrologist - Prasad, who is no more now, LWs.2 and 3 performed the marriage of LW.1 with accused No.3. For this purpose, accused Nos.1 and 2 proposed marriage alliance of LW.1 with accused No.3 through LW.4, Sri Nimmagadda Venkateswara Rao. Betrothal was performed on 22.11.2002 in the presence of LW.4 and others, and on the same day, in pursuance of their criminal conspiracy, accused Nos.1 and 2 accompanied by accused No.5 proposed LW.2 to do business i.e., *Dosa Café* in Kolmbedu Bus Terminal, Chennai City with an investment of Rs.60.00 lakhs and offered 25% share to him, for

which LW.2 had invested an amount Rs.15.00 lakhs and offering that the café earns Rs.2.00 lakh profit per month towards his share.

ii) Thus, the allegations made against this petitioner being a mediator, he is responsible for settling the marriage of LW.1 with Accused No.3, but accused No.3 developed friendship with accused No.4, who whenever used to give missed calls to her, she used to speak from her Mobile with SIM No.9866946666 to accused No.4's Mobile SIM Card No.9618960216 and also from her landline Telephone No.0891-2673588 hours together addressing him as 'Ravi'. Thus, being crazy of accused No.4, accused No.3 kept her husband away from her and did not allow him to have sex though she is his wife. Thus, accused Nos.1 to 5 committed the aforesaid offences.

4. The only allegation made against this petitioner is that he was a mediator for settling the marriage between accused No.3 and LW.1 and at the same time, the allegation made against him in last paragraph of page No.7 of the charge sheet is that he did not allow LW.1 to have sex with accused No.3 and but, that would not constitute any of the offences registered against him. However, major allegations were levelled against other accused but quashed by this Court, by order, dated 21.08.2017, in Crl.P. No.3376 of 2017 in view of the compromise. When proceedings against the other accused were quashed, the proceedings against this petitioner, who is accused No.4, are liable to be quashed as the allegations made against him do not constitute any offence, much less the offences punishable under Sections 494, 496, 497

and 500 IPC. Consequently, the proceedings against this petitioner - accused No.4 in Calendar Case No.484 of 2014 pending on the file of the I Additional Chief Metropolitan Magistrate at Vijayawada, Krishna District are hereby quashed.

5. With the above observation, the Criminal Petition is allowed, at the admission stage itself. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

September 04, 2018
Mgr

