

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9403 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is A3, in C.C.No.4 of 2008 on the file of the Judicial First Class Magistrate (Special Mobile Court), Mahabubnagar. The offence alleged against the petitioner is under Section 498-A IPC.

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

3. The counsel for the petitioner submits that the *de facto* complainant, who gave a complaint against the petitioner, deposed before the Court in a case which was split up against A2, A4, A6 and A7 and she turned hostile in the said case and the case ended in acquittal on 11.12.2008. He also filed a copy of the judgment passed in the said case i.e., C.C.No.418 of 2006 on the file of Special Judicial Magistrate of 1<sup>st</sup> Class, Prohibition & Excise, Mahabubnagar. A perusal of the said judgment shows that A2, A4, A6 and A7 were acquitted considering that the evidence adduced by the prosecution could not prove the guilt of the accused. This accused also stands on the same footing as that of the above accused.

4. Hence, considering the above, this Court opines that continuation of further proceedings against the petitioner would be an abuse of process of law.

5. Hence, the criminal petition is allowed quashing the proceedings against the petitioner, who is A3, in C.C.No.4 of 2008 on the file of the Judicial First Class Magistrate (Special Mobile Court), Mahabubnagar.

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

September 12, 2018  
v v

T. RAJANI, J

