

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6368 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioners-accused Nos. 2 and 3 to quash the proceedings against them in C.C.No. 389 of 2018 on the file of the Court of IV Additional Judicial I Class Magistrate, Kakinada, East Godavari District (for short, 'the Court below'), registered for the offences punishable under Sections 420 and 506 read with Section 34 of IPC.

2. Respondent No. 1-*de facto* complainant filed a private complaint before the Court below under Section 190 of Cr.P.C. against accused No. 1 and the petitioners alleging that accused No. 1 threatened to kill her and obtained her signatures on certain documents which stand in the names of the petitioners. The Court below took the case on file and cognizance of the offences and issued summons.

3. At the hearing, while learned counsel for the petitioners has contended that the petitioners are nothing to do with the alleged obtaining signatures of respondent No. 1 by putting her in fear of death and in the absence of any allegation against the petitioners in the entire complaint, the proceedings against them are liable to be quashed, learned counsel for respondent No. 1 has supported the complaint on the ground that the since the petitioners are beneficiaries of the said documents, they are aware of the transactions and therefore they are also liable to be prosecuted.

4. From a perusal of the complaint, it is *prima facie* clear that accused No. 1 alone obtained signatures of respondent No. 2 by putting her and her family members in fear of death but no specific role is attributed in the entire complaint

against the petitioners to enrobe them with the offences punishable under Sections 420 and 506 read with Section 34 of IPC. In the absence of any allegation against the petitioners, continuation of proceedings against them is nothing but abuse of process of the Court. When the proceedings are initiated to wreak vengeance with a view to spite them due to personal grudge, this Court can exercise power under Section 482 of Cr.P.C. in view of guideline No. 7 of the Apex Court in ***State of Haryana Vs. Bhajanlal***¹. Even if the entire allegations made in the complaint are accepted on its face value as true, the petitioners did commit no offence much less the above offences. Therefore, by following the guidelines laid down in the above judgment, the proceedings against the petitioners are liable to be quashed and are accordingly quashed.

5. The criminal petition is allowed quashing the proceedings against the petitioners-accused Nos. 2 and 3 in C.C.No. 389 of 2018 on the file of the Court of IV Additional Judicial I Class Magistrate, Kakinada, East Godavari District. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 03-08-2018.

JSK

M.SATYANARAYANA MURTHY, J.

¹ 1992 Supp. (1) SCC 335

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



CRIMINAL PETITION No. 6368 OF 2018

09082018

DATE: 03RD AUGUST, 2018

JSK