

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.13979 OF 2013

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioner - accused No.4 seeking to quash the proceedings against her in Calendar Case No.402 of 2012, on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, registered for the offences punishable under Sections 420 and 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor and also learned counsel for respondent No.2.

3. The complaint shows that all the allegations are levelled against accused No.1 and subsequently the complainant makes allegations against wife, sister, daughter and son-in-law of accused No.1, that they have abetted accused No.1 to commit the offence. But, there are no specific allegations made against the petitioner herein. In the subsequent part of the complaint, reiterating the house trespass, the complainant mentions the names of only wife and daughter as the persons, who have trespassed. In the concluding part of the complaint, it is stated that accused Nos.2 to 5 are also equally responsible for the abetment of crime committed by accused No.1. In the statement of the complainant, except bare allegation that accused Nos.2 to 4 were sent by accused No.1 to the site where they prevented the complainant and created *ghalata*, there are no other allegations made against them.

4. The offences alleged against accused are only under Sections 420 and 506 IPC. Hence, even on the face of allegations made in the complaint, the said offences are not attracted by the alleged act against the petitioner herein. Therefore, considering the said circumstances, this Court opines that the complaint against the petitioner - accused No.4 cannot be sustained.

5. Accordingly, the present Criminal Petition is allowed and the proceedings in Calendar Case No.402 of 2012, on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, are hereby quashed against the petitioner - accused No.4.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

November 05, 2018
Mgr



SMT. T. RAJANI, J