

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2516 of 2013

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioner, who is accused in C.C.No.824 of 2010 on the file of VI Metropolitan Magistrate, Medchal. The offences alleged are under Sections 498A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

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

3. The counsel for the petitioner draws the attention of this court to the order in CRLP.Nos.9382 and 9492 of 2010 dated 04.10.2012, wherein the quash petitions were filed in respect of the complaint filed by this complainant on 14.09.2010, which was registered as Crime No.204 of 2010. This court observed that the allegations pertaining to the kidnap of the child were not mentioned in the earlier complaint filed by the complainant therein dated 05.08.2010.

4. A perusal of the complaint in the case on hand would show that it was specifically mentioned that the child was with the petitioner. Except the allegations pertaining to the kidnap of the child, all the allegations made in the present complaint and the earlier complaint are almost the same.

5. Hence, in view of the fact that the court quashed the proceedings in Crime No.204 of 2014 by considering all the facts mentioned in the complaint, which are the same as mentioned in this complaint, this court opines that it would be only a futile exercise to continue the proceedings against the petitioner.

7. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.824 of 2010 on the file of VI Metropolitan Magistrate, Medchal, against the petitioner, are hereby quashed.

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

January 2, 2018
LMV



T. RAJANI, J