

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9517 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the petitioner/accused seeking to quash the proceedings in Crime No.10 of 2011 of Rolla Police Station, Anantapur District, registered for the offences punishable under Sections 366, 379 and 420 of I.P.C. and Section 156(3) of Cr.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 2nd respondent - State. None appears for the 1st respondent – complainant, in spite of service of notice.

3. A perusal of the complaint would show that the petitioner herein used to visit the village of the complainant and developed good relationship with him and his wife viz., Mamatha, who had many gold ornaments. The petitioner, having an evil eye on her gold ornaments, moved closely with her and she too believed the behaviour of the petitioner. All of a sudden, on 22.12.2010, the petitioner took away the wife of the complainant along with her 40 grams of gold ornaments and cash of Rs.20,000/-, which was witnessed by three persons viz., Erranagamma, Govindappa and Rangappa.

4. Learned counsel for the petitioner submits that the wife of the complainant is a major and, it is her, who has to make the complaint, if she is really kidnapped by the petitioner and compelled to marry him. But, there is no such allegation in the complaint, attracting Section 366 of I.P.C. Learned counsel further submits that the gold ornaments, according to the complainant are taken away by the petitioner, but the complaint shows that the petitioner took away the wife of the complainant along with her gold ornaments. Learned counsel submits that the gold ornaments can be assumed as belonging to the wife of the complainant, in which case the allegations cannot be made against the petitioner.

5. This Court finds some force in the said submission of petitioner. Moreover, from the face of the complaint, it appears that the wife of the

complainant went along with the petitioner on her own. Unless there is a complaint by the wife of the complainant herself, it cannot be said that there was any force exercised by the petitioner in order to take away the wife of the complainant.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would result in sheer abuse of process of law.

7. Therefore, the Criminal Petition is allowed and all further proceedings against the petitioner/accused in Crime No.10 of 2011 of Rolla Police Station, Anantapur District, are hereby quashed.

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

Date: 26.09.2018.
Dsh



T. RAJANI, J

SMT JUSTICE T.RAJANI**150****27092018****CRIMINAL PETITION No.9517 OF 2011**

Date.26.09.2018

DSH