

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7706 of 2011

ORDER:

This criminal petition is filed for quash of the proceedings in CC.No.323 of 2010 against the petitioners, who are A3 to A6, on the file of the V Additional Judicial First Class Magistrate, Kakinada. The offences alleged are under Sections 420, 448, 506 read with Section 34 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the respondent. None appeared for the second respondent in spite of notice.

3. The complaint is filed by the complainant stating that she was married to the father of the first petitioner, as second wife and that after the death of her husband, she was driven out by the petitioners from the house in which she has been residing. She also made allegations that she gave 120 sovereigns of gold to the petitioners and that they have taken away the money that was there in the house. The entire allegations, made in the complaint, seem to be with regard to the grievance that she was not given any property after the death of her husband.

4. The counsel for the petitioners submits that the complainant filed two suits viz. O.S.No.130 of 2010 for permanent injunction on the file of the III Additional Senior Civil Judge, Kakinada and the same was dismissed and O.S.No.6 of 2013 on the file of the V Additional District Judge, Rajahmundry seeking for partition, which is pending. He further

submits that in a sale deed in which the complainant purchased a property, she described herself as wife of one Musalayya.

5. However, the whole facts constituting the complaint would only relate to a civil dispute pending between the parties and there is no criminality attributed to the petitioners, except that they threatened the complainant, which in the background of the allegations cannot be held to be true. Hence, in view of the above, this Court opines that continuation of further proceedings would only result in abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in CC.No.323 of 2010 against the petitioners, who are A3 to A6, on the file of the V Additional Judicial First Class Magistrate, Kakinada, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 12, 2018
DSK

T. RAJANI, J

