

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8500 OF 2013

ORDER:

This petition is filed by the petitioners, who are A1 to A8 respectively, seeking to quash the proceedings in C.C.No.231 of 2013 on the file of the court of Special Judicial Magistrate of First Class (Excise), Karimnagar District. The offences alleged are under Sections 498(A), 324, 506 IPC and Section 4 of the Dowry Prohibition Act, 1961.

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

3. The counsel for the petitioners submits that on the same set of facts, the 2nd respondent filed DVC No.45 of 2012 on the file of the court of Additional Judicial Magistrate of First Class, Karimnagar, and questioning the same, the petitioners herein filed CrI.P.No.6757 of 2012 and this court by order, dated 04.06.2013, allowed the same and quashed the proceedings in the said DVC.

4. A perusal of the order passed in the said criminal petition would show that the court categorically observed that the 2nd respondent-complainant has been made to initiate the proceedings on the provisions of the Act at the instance of her husband-Nagaraju and it also held that the said Nagaraju cannot be permitted to misuse the provisions of the Act to claim share in the properties owned by the parents. Hence, when such is the

order passed in a matter, which is based on the same set of facts, prosecution in this case would only result in wastage of Court's time.

5. In view of the above, this court opines that continuation of further proceedings against the petitioners in this case would only result in abuse of process of law.

6. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.231 of 2013 on the file of the court of Special Judicial Magistrate of First Class (Excise), Karimnagar District, against the petitioners, shall stand quashed.

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

December 17, 2018
LMV



T.RAJANI, J