

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1231 OF 2019

ORDER:

This 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 in S.C.No.80 of 2018 on the file of XII Additional District and Sessions Judge, Vikarabad, wherein he was prosecuted for the offences punishable under Sections 417 and 420 I.P.C.

2. Heard the learned counsel for the petitioner/Accused No.4 and the learned Additional Public Prosecutor appearing for the 1<sup>st</sup> respondent-State. Perused the record.

3. From the statement of witnesses and the material collected in the course of investigation, this petitioner/Accused No.4 is uncle of Accused No.1, against whom the allegations of cheating, rape and dishonest intention are made. Further, it is alleged that the petitioner/Accused No.4 did not accept the marriage proposal in between Accused No.1 and the 2<sup>nd</sup> respondent-*de facto* complainant. It is also alleged against the petitioner/Accused No.4 that he made efforts to compromise the offences in between the family of Accused No.1 and the 2<sup>nd</sup> respondent-*de facto* complainant.

4. It is pertinent to state that the offence under Section 417 I.P.C. constitutes when there is an element of cheating, and to constitute the offence under Section 420 I.P.C., there should be dishonest inducement and delivery of property.

5. In the case on hand, there is no mention against the petitioner/Accused No.4 that he dishonestly induced the 2<sup>nd</sup> respondent-*de facto* complainant or any other person to part with any property, so also cheated the *de facto* complainant in any other manner whatsoever. Under these circumstances, it is not appropriate to proceed against the petitioner/Accused No.4 for the offences punishable under Sections 417 and 420 I.P.C. Hence, without there being any merit/ground in the case, continuation of proceedings against the petitioner/Accused No.4 only be an abuse of process of law,

6. Accordingly, the Criminal Petition is allowed quashing the proceedings in S.C.No.80 of 2018 on the file of XII Additional District and Sessions Judge, Vikarabad, against the petitioner/Accused No.4.

Miscellaneous petitions, if any, pending in this criminal petition shall stand disposed of.

---

Dr. SHAMEEM AKTHER, J

MARCH 26, 2019  
YVL

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.1231 OF 2019

Date:26.03.2019

YVL