

HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5573 of 2017

ORDER:

The petitioner by name N.Sanjeevaiah is accused No.2 in CC.No.166 of 2015 on the file of Judicial First Class Magistrate, Parkal, Warangal District, taken cognizance for the offences punishable under Sections 420 & 506 r/w 34 IPC by the learned Magistrate outcome of crime No.167 of 2014 of Parkal Police Station dated 16.03.2014. It is the private complaint of the defacto complainant that was referred by learned Magistrate to the police and received and registered on 16.04.2014 which reads that the complainant's daughter Sowjanya was given in marriage with P.Nishanth S/o. P.Narsaiah-LW.2 and she committed suicide covered by crime No.47 of 2012 and police from investigation and final report and on committal where SC.No.29 of 2013 was allotted and the accused were put to trial by learned III Additional Sessions Judge and the case ultimately ended in acquittal. A.1 and A.2 and LWs.3 & 4 by names M.Mogilaiah and A.Babu Rao acted as elders on behalf of the father of the deceased Narsaiah (LW.2) and as per the elders decision on 08.05.2013 the returned dowry amount of Rs.7,50,000/- kept with A.1 and A.2 and on 05.09.2013 A1 and A2 only paid Rs.4,00,000/- to complainant and not paid remaining amount of Rs.3,50,000/- by their assurance to pay in a short time, however later even did not as a result the complainant and LW.2 supra who paid the amount and the elders LWs.3 & 4 approached A.1 and A.2 to pay balance amount and for that ultimately on 05.02.2014 A1 issued cheque bearing No.812757 for Rs.2,50,000/- drawn on ING Vyshya Bank Limited and the same

when presented on 06.03.2014 returned dishonoured on 15.03.2014 and when complainant after said dishonour approached the accused Nos.1 & 2 on 16.03.2014 and demanded for that amount they openly declared that they shall not pay and they utilized the amount for their needs and threatened LW.2 with dire consequences if again demanded for the money from which complaint filed and referred by Court to Parkal PS and therefrom police Parkal registered the crime supra and from the investigation in filing the charge sheet by examination of LWs.1 to 4 supra besides arrest of accused Nos.1 & 2 from the so called disclosure and seizure of Rs.2,00,000/- cash and gold necklace of 2 tulas. LWs.7 & 8 filed charge sheet, by citing punch witnesses LWs.5 & 6 saying their investigation revealed complainant and LW.2 the victims and the above facts and from their disclosure statements admitting the guilt, offences made out. There is a receipt placed reliance by accused persons said to have been executed by A1 who acknowledged on 20.07.2013 of received Rs.6,50,000/-, 4 tulas of gold, one pair of silver leg chains from P.Narsaiah-LW.2 and undertaken to handover said cash, gold and silver ornaments to G.Sambaiah-LW.1 after acquittal of SC.No.29 of 2013 pending by then on the file of III Additional Sessions Judge, Warangal, and there are 4 witnesses to it and there was also agreements on 20.07.2013 between A1-Ramesh and LW.2-P.Narsaiah which says Nishanth S/o. Narsaiah married Sowjanya daughter of complainant G.Sambaiah on 09.02.2008 and she committed suicide on 25.02.2012 and police registered the crime that is covered by SC.No.29 of 2013 and there was a compromise in the case through elders under which Narsaiah-LW.2 to pay

Rs.6,50,000/-, 4 tulas gold and one pair of silver leg chains, which Sambaiah-LW1 presented to his daughter Sowjanya supra that was agreed to be deposited when A.1-M.Ramesh on 20.07.2013 on condition of LW.1-Sambaiah and others in the SC to give evidence on behalf of the accused and after acquittal to handover back.

From the above, there is nothing to show any role of A.2 and the receipt is passed by A.1. The agreement was between defacto complainant and A1 only and nothing to show even any cheque issued by A.2. The cheque even issued by A1 only for Rs.2,50,000/- that was returned dishonoured.

Having regard to the above, from the entire investigation there is no sustainable accusation to continue the proceedings against the petitioner/A2.

Accordingly and in the result, this Criminal Petition is allowed by quashing the proceedings. However, it is made clear that in the course of trial if there is any evidence forth coming, that is not bar for the trial Judge to invoke Section 319 Cr.P.C.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.02.2019
ska