

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 4289 of 2015

ORDER:

The present Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners/A1 to A3, seeking to quash the proceedings in C.C.No.1348 of 2014 on the file of the Additional Judicial First Class Magistrate, Sangareddy, Medak District.

The facts in issue are that the 2nd respondent/*de facto* complainant filed a private complaint against the petitioners/A1 to A3 before the Additional Judicial First Class Magistrate at Sangareddy, for the offences punishable under Sections 406 and 120-B read with Section 34 of I.P.C., which was referred to the police under Section 156 (3) of Cr.P.C. Basing on the said reference, the police, Sangareddy Rural, registered a case in Crime No.41 of 2014 and took up investigation. After completion of investigation, the police filed charge sheet before the Additional Judicial First Class Magistrate, Sangareddy, Medak District, who in turn took cognizance of the case and numbered as C.C.No.1348 of 2014.

The allegations in the charge sheet are that the 2nd respondent/*de facto* complainant performed the marriage of his daughter Spandana (hereinafter referred to as “the deceased”) with the 1st petitioner/A1 on 20.03.2011. At the time of marriage, he had given cash of Rs.12.00 lakhs, gold, silver and other household articles to the petitioners/A1 to A3. Both the deceased and the 1st

petitioner/A1 led happy marital life for a period of six months, thereafter, on the instigation of petitioners/A2 and A3, the 1st petitioner/A1 started harassing the deceased. It is also stated that out of wedlock, they blessed with a male child and unable to bear the harassment of the petitioners/A1 to A3, the deceased along with her son jumped down from the building and died. After coming to know about the death of the deceased, the 2nd respondent/*de facto* complainant lodged a complaint, which was registered as a case in Crime No.730 of 2013 against the petitioners for the offences punishable under Sections 498-A and 304-B of I.P.C. It is also stated that after the death of the deceased and her son, the 2nd respondent/*de facto* complainant requested the petitioners/A1 to A3 to return back the gold and silver ornaments along with cash of Rs.12.00 lakhs, which was entrusted as Sthreedhana at the time of marriage and that in a panchayat held before the elders, the petitioners/A1 to A3 agreed to give back the same, but thereafter, the petitioners/A1 to A3 with a criminal conspiracy refused to give the cash, gold and silver articles. Thus, the petitioners/A1 to A3, have committed the offences punishable under Sections 406 and 120-B read with 34 of I.P.C.

During the pendency of the proceedings, the 2nd respondent/*de facto* complainant died. By an order, dated 15.03.2019, this Court allowed I.A.No.1 of 2016 and impleaded the 3rd respondent as the Legal Representative of the 2nd respondent/*de*

facto complainant. The 3rd respondent filed counter-affidavit stating that after thorough investigation, the police filed charge sheet against the petitioners/A1 to A3, which was taken cognizance as C.C.No.1348 of 2014. It is also stated that the petitioners/A1 to A3 obtained stay of all further proceedings in the above C.C. and the same was extended from time to time. In view of long pendency of the Criminal Petition, the 3rd respondent has sustained irreparable loss and injury and prayed to vacate the interim stay.

Heard learned Counsel for the petitioners/A1 to A3, learned Additional Public Prosecutor appearing for the 1st respondent/State and the learned Counsel for the 3rd respondent.

Learned Counsel for the petitioners/A1 to A3 would submit that in the matter relating to the death of the deceased, who is the wife of the 1st petitioner/A1, the petitioners/A1 to A3 were facing trial in S.C.No.381 of 2014 on the file of the II Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar, for the offences punishable under Sections 498-A and 304-B of I.P.C. It is also submitted that the charge sheets in S.C.No.381 of 2014 and C.C.No.1348 of 2014 demonstrate the same set of facts and the offences alleged to have been committed by the petitioners/A1 to A3 are out of same transaction. It is further submitted that the F.I.R. in S.C.No.381 of 2014 was registered on 16.10.2013, where as the private complaint was lodged on 05.02.2014 and that the delay in filing a private complaint without any explanation itself suggest and

demonstrate that it is an afterthought. It is further submitted that the petitioners/ A1 to A3 are facing two trials for the same offences and, therefore, the proceedings in C.C.No.1348 of 2014 amounts to an abuse of process of law as there cannot be two trials for the same allegations. It is also submitted that there is no misappropriation of Sreedhana property and the allegations only disclose some amounts have been given as dowry, which fact has to be proved in S.C.No.381 of 2014 and, therefore, continuation of proceedings in the present C.C. is illegal and abuse of process of Court and prayed to quash the proceedings.

Learned Counsel for the 3rd respondent would submit that the truth or otherwise of the allegations made in the charge sheet cannot be adjudicated at this stage since the allegations made in the charge sheet *prima facie* disclose commission of offence. Therefore, prayed to dismiss the Criminal Petition.

A perusal of the material on record would show that initially the *de facto complainant* lodged a complaint against the petitioners/ A1 to A3, which was registered as Crime No.730 of 2013 of Alwal Police Station, for the offences punishable under Sections 304-B and 498-A of I.P.C. After the said case was investigated and charge sheet was filed, the present case has been filed. On over all consideration of entire material placed on record and the contentions urged before this Court by the learned Counsel for the petitioners and learned Counsel for the third respondent, it is suffice

to conclude that the contentions raised by the learned Counsel for the third respondent are without any substance and the material produced before this Court, directly indicates the *mala fides* in prosecution of criminal proceedings against the petitioners, so also, by abuse of process of the Court.

In view of my foregoing discussion, I find that it is a fit case to exercise inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings against the petitioners in C.C.No.1348 of 2014 on the file of the Additional Judicial First Class Magistrate, Sangareddy, Medak District.

Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners/A1 to A3 in C.C.No.1348 of 2014 on the file of the Additional Judicial First Class Magistrate, Sangareddy, Medak District, for the offences punishable under sections 406 and 120-B read with 34 of I.P.C., are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

11.02.2020
gkv/Gsn

