

Krishna Reddy and Others Vs. State of Andhra Pradesh, Rep. by Its Public Prosecutor and Another

Krishna Reddy and Others Vs. State of Andhra Pradesh, Rep. by Its Public Prosecutor and Another

SooperKanoon Citation : sooperkanoon.com/950026

Court : Andhra Pradesh

Decided On : Aug-23-2012

Judge : K.G. Shankar

Appeal No. : Criminal Petition No.10584 of 2009

Appellant : Krishna Reddy and Others

Respondent : State of Andhra Pradesh, Rep. by Its Public Prosecutor and Another

Judgement :

The petitioners seek for the quashment of Crl.M.P.No.1815 of 2009 on the file of the Judicial Magistrate of First Class, Bodhan, Nizamabad District. The 2nd respondent is the *de facto* complainant. She filed a case against the petitioners as well as against her husband under Section 406 IPC as well as under Section 6 of the Dowry Prohibition Act, 1961. The contention of the learned counsel for the petitioners, who are the accused 2 to 5 in the case, is that *prima facie* case is not made out against the petitioners and that the complaint inasmuch as it relates to the petitioners is liable to be dismissed.

2. The petitioners 1 to 4 are accused 2 to 5 in Crl.M.P.No.1815 of 2009. The 1st petitioner is the father-in-law of the 2nd respondent. The 2nd petitioner is the

mother-in-law of the 2nd respondent. The 3rd petitioner is the sister-in-law of the 2nd respondent. The 4th petitioner is the husband of the 3rd petitioner.

3. Contending that the 2nd respondent lodged First Information Report in Crime No.159 of 2008 under Section 498-A, IPC against her husband as well as against the petitioners 1 and 2 herein, the learned counsel for the petitioners contended that this petition would be tantamount to double jeopardy and would be tantamount to abuse of process of law. The learned counsel for the petitioners invited me to dispose of the petition on merits.

4. I am afraid that this is not the stage at which the provisions under Section 482 Cr.P.C deserve to be invoked. The 2nd respondent already filed a private complaint in Crl.M.P.No.1815 of 2009. The relief sought by the 2nd respondent, however, is to refer the case to the Police under Section 156 (3) Cr.P.C. The said petition has not been disposed of by the trial Court. The petitioners herein have an opportunity to appear before the trial Court and seek for the dismissal of Crl.M.P.No.1815 of 2009.

5. There is no dispute that this Court has indeed jurisdiction under Section 482 Cr.P.C to interfere in the matter. However, where an alternative remedy is available to the petitioners seeking for the dismissal of Crl.M.P.No.1815 of 2009 on the file of the Judicial Magistrate of First Class, Bodhan, I consider that it would not be just and proper to interfere with the case under Section 482 Cr.P.C.

6. Hence, this petition is dismissed. The petitioners are at liberty to move the trial Court for appropriate relief in Crl.M.P.No.1815 of 2009.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com