

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Criminal Petition No. 3654 of 2015

Order:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the FIR in Crime No.195 of 2012 on the file of IV Town Police Station, Nizamabad, by the petitioner, who is arraigned as sole accused, on the complaint of the second respondent, who are related to each other as wife and husband respectively, for the offences punishable under Sections 506 and 507 IPC.

2. The facts, as reflected from the FIR, are that the petitioner and the second respondent – *de facto* complainant have been residing separately and that the petitioner by constantly observing the movements of the *de facto* complainant badly commenting about the *de facto* complainant and his family members and harassing him by sending SMSs through Cell SIM Nos.9949146805, 9949879031, 8686386164 and 9573909879 and threatening him with dire consequences.

3. Heard both sides.

4. Learned counsel for the petitioner submits that, in fact, when the petitioner filed a complaint against the *de facto* complainant for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, the same was registered in Crime No.35 of 2011 and later charge sheet was filed and cognizance of offence was taken by the learned Judicial Magistrate of First Class, Bhadrachalam, Khammam District, registering it as Calendar Case No.219 of 2011 on his file and, only with a view to wreak vengeance, the *de facto* complainant has filed the instant complaint with false allegations against the petitioner and, thus, pleads innocence and false implication of the petitioner and requests to quash the

proceedings, as it is nothing but abuse of process of law.

5. Learned Assistant Public Prosecutor represents that the police have recorded the statements of as many as five witnesses and yet to effect the arrest of the petitioner.

6. The factum of Calendar Case No.219 of 2011 pending on the file of the Judicial Magistrate of First Class, Bhadrachalam, Khammam District, filed by the petitioner against the second respondent herein and the complaint filed by the second respondent relates to the year 2012 of November month is not in dispute. It is not a fit case where the proceedings can be quashed by exercising extraordinary jurisdiction under Section 482 of the Code, and it is a case where investigation shall continue to its logical end. In view of the circumstance that the complaint of the petitioner precedes the complaint filed by the second respondent herein, the police IV Town Police Station, Nizamabad, are directed not to arrest the petitioner during the course of investigation, further directing that the petitioner shall co-operate with the investigating agency for smooth completion of the investigation.

7. Accordingly, the Criminal Petition is disposed of.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date: 29.04.2015

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