

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.P.No.2038 of 2012

ORDER

This petition under Section 482 Cr.P.C., is filed by the petitioners seeking to quash the proceedings in D.V.C.No.25 of 2010 on the file of Additional Judicial First Class Magistrate, Karimnagar, against them.

2. The first respondent herein filed the aforesaid D.V.C., against her husband, mother-in-law and father-in-law, i.e., the petitioners herein, stating that her marriage with the first petitioner was love marriage and after a period of 18 months, the petitioners started harassing her by demanding dowry and necked her out from the matrimonial house and her husband also neglected to maintain her. She also filed Crl.M.P.No.494 of 2010 seeking a direction to the first respondent therein to pay monthly maintenance to her. The said application was allowed *ex parte* on 08.03.2010 directing the first respondent to pay a sum of Rs.1,000/-per month to the petitioner towards maintenance.

3. Learned counsel for the petitioners contended that the first respondent is not the legally wedded wife of the first petitioner and she filed a false complaint against the petitioners. Thus, he prays to quash the proceedings against the petitioners.

4. A perusal of the complaint filed in D.V.C., shows that there are several allegations against the petitioners. Truth or otherwise

of the said allegations, cannot be decided at this stage. However, the presence of the petitioners before the trial Court is dispensed with, except on the dates whenever their presence is insisted by the trial Court since their identity is not disputed. The first petitioner is at liberty to file an application to set aside the *ex parte* order passed in Crl.M.P.No.494 of 2010.

5. With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

24th June, 2015

sj