

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Crl.P.No.3728 of 2015

ORDER :

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner-accused No.1 of C.C.No.179 of 2015 which for the offences punishable under Sections 498-A, 406 and 506 read with 34 of I.P.C. and under Sections 3 and 4 of the Dowry Prohibition Act(for short, the D.P.Act'), maintained by the 2nd respondent/defacto-complainant on the file of the learned XV Additional Chief Metropolitan Magistrate, Hyderabad, praying to quash the proceedings in the above case.

2. Heard the learned counsel for the petitioner/A.1 so also the learned Public Prosecutor representing State-1st respondent before ordering notice to the 2nd respondent/Defacto-complainant and perused the material on record.

3. No doubt, the petitioner-A.1 filed material to show that he pronounced triple talaaq that is also certified by Qazi. The Execution Court of Family and Legacy, Doha, Qatar, order also shows the return of all the Jahaz articles and payment of the iddat period maintenance and other claims by the petitioner herein to the 2nd respondent herein and that also confirms the certificate of Khazi to say that by 25.08.2012 the petitioner herein pronounced the talaaq to the 2nd respondent herein. In fact, on perusal of the order of another Bench of this Court in Crl.P. No.1876 of 2015 dated 16.04.2015 shows that liberty is given to the petitioner wherein he questioned the registering of the crime (Cr.No.262 of 2012), since investigation completed and police filed chargesheet to impugn if at all the said chargesheet. However, it does not mean invariably by filing an application under Section 482 of Cr.P.C., as remedy is open to the petitioner herein, apart from other accused also, to avail either by filing an application under Section 239 of Cr.P.C. or to submit arguments orally before hearing on charges thereunder as per Section 239 read with 240 of Cr.P.C. including to raise the contention of the date set up about the alleged occurrence dated 18.04.2012 is only to give life to the false complaint, to decide on own merits by the learned Magistrate concerned.

4. Subject to the above observation, the Criminal Petition is disposed of. Miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 01.06.2015

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