

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

Writ Petition No.28380 of 2008

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking quashment of S.C.No.272 of 2008 on the file of the Court of the Assistant Sessions Judge, at Karimnagar, punishable for the alleged offences under Sections 363, 342, 376(i) and 506 IPC.

Heard Sri K.V. Bhanu Prasad, learned counsel for the petitioners and the learned Government Pleader for Home, apart from perusing the material available before the Court.

The 2nd respondent, Kimavath Ramdas Balu Nayak, is present before this Court and has produced Aadhar Card, in support of his identity. According to him, he is presently working as Police Constable in the office of Inspector General of Police, Government of Telangana. Petitioners 1 and 2 are the husband and wife respectively, and petitioner No. 2 is the daughter of the

2nd respondent, who lodged a complaint against the 1st petitioner herein, and the P.S, LMD Colony, Karimnagar District registered the said complaint as FIR No.115 on 27-08-2007, for the offence punishable under Section 363 IPC. The Police filed a final report for the offences punishable under Sections 363, 342, 376(i) and 506 I.P.C., and now the prosecution is pending on the file of the Court of the Assistant Sessions Judge, Karimnagar, vide S.C.No.272 of 2008. At the time of filing the writ petition, the petitioners were at the age of 20 and 15 years, respectively, and now they are 28 and 23 years old. According to the petitioners, now they are living happily and blessed with two children. According to the learned counsel for the petitioners, in view of these circumstances and further developments, pending the writ petition, further continuation of the prosecution in S.C.No.272 of 2008 could be a

futile exercise and wastage of valuable time of the Court, and it is not in the interest of anybody.

Learned counsel for the petitioners submits that the marriage between the petitioners cannot be said to be a void marriage, and in support of his contention, he placed reliance upon the judgment of this Court in ***Makemalla Sailoo v. Superintendent of Police, Nalgonda District and others.***

On the directions of this Court, the petitioners herein have appeared before this Court today i.e. 01-05-2015, along with the two children (daughters), and they are identified by their Advocate, Sri K.V. Bhanu Prasad. The petitioners have stated before this Court that they are living peacefully with their children. It is also to be noted that the 2nd respondent herein, who earlier refused to receive the notice; appeared before this Court and stated that, now, there are no disputes between them.

In view of the above reasons, and taking into consideration the changed circumstances, and also having regard to the nature of controversy and also keeping in view the interest of the children, this Court deems it appropriate to quash the proceedings in S.C.No.272 of 2008 on the file of the Court of the Assistant Sessions Judge, Karimnagar.

Accordingly the writ petition is allowed, quashing the proceedings in S.C.No.272 of 2008 on the file of the Court of the Assistant Sessions Judge, Karimnagar.

There shall be no order as to costs.

A.V. SETHA SAI, J.

Dt.01-05-2015.

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