

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No. 731 OF 2013

ORDER :

This Criminal Petition is filed by the petitioner/A.3 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.766 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

2. The petitioner is the 3rd accused in C.C.No.766 of 2010 out of six accused that was taken cognizance by the XIII Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498-A r/w Section 34 IPC. Crime No.569 of 2009 dated 27.11.2009 is the outcome of a private complaint of the 2nd respondent-defacto complainant that was referred to police for investigation by the learned Magistrate.

3. A perusal of the very report of the 2nd respondent, so far as the allegations against the petitioner/A.3, shows that the petitioner has kept his wife in the house of A.1, on which, she made enquiries with the common friends, and in her enquiry, she came to know that A.3 already got married another lady and got children through her prior to his marriage with A.2 and by knowing the same by A.3, started to threaten her by phone by saying that he would see the end of her life, if she reveals the facts before anyone, and on one occasion, A.1 forced her to tell A.2 by phone that she is going to give divorce to A.1 only to satisfy A.2 and under compulsion, she was forced to tell the same to A.3 as A.1. These are the allegations so far as the petitioner is concerned. Even from the very say, the petitioner is not relative of A.1. He is claimed as alleged husband of A.2 and A.2 is claimed as only cousin or a stranger. From that even, it is not satisfying the

requirement of Section 498-A IPC. Leave it apart, the police final report shows a stray sentence that the petitioner kept A.2 in the house of A.1 that is the allegation.

4. Having regard to the above, apart from the petitioner is not relative of A.1 to claim as relative of the husband of the 2nd respondent-defacto complainant, there are no other allegations constituting the offence punishable under Section 498-A IPC and the police final report was filed for no other offence much less taken cognizance by the learned Magistrate

5. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.766 of 2010 on the file of the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are quashed.

Consequently, miscellaneous petitions, if any pending in this Criminal Petition, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

19th November, 2015

cbs

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