

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Criminal Petition No.20 of 2013

ORDER:

Heard Sri V.V.Ramana Rao, learned counsel for the petitioner and learned Public Prosecutor on behalf of the State. None appears for the 2nd respondent.

The petitioner herein sought for quashing the proceedings in FIR No.86 of 2012 registered on 14-11-2012 by Konaraopet Police of Karimnagar District. It appears, the 2nd respondent has filed a petition under Section 200 of the Code of Criminal Procedure (for short 'the Code') before the learned Judicial Magistrate of First Class at Sircilla on 21-09-2012. To that complaint, the petitioner herein was shown as the 1st accused, while Sri Madam Devaiah, S/o Kashaiah, VRO of Suddala Village, r/o Kanagarthi Village, Konaraopet Mandal, Karimnagar District and Sri Abbagoni Srinivas, S/o Sathaiah, r/o Chamdrampet, Sircilla Mandal, Krimnagar District were shown as accused 2 and 3. That complaint appears to have been forwarded by the learned Magistrate to the Police, who registered it as FIR No.86 of 2012 on 14-11-2012.

I have perused the contents of the complaint. It is admitted by the 2nd respondent complainant that the petitioner herein was his wife and they were married nearly 18 years ago and two children were born to them. The complainant would submit that he has contracted certain loans amounting to Rs.4,50,000/- and to clear off those loans, he went to Masqat in the year 2008 and from there, he has repatriated a sum of Rs.4,50,000/- with instructions to his wife, the petitioner herein, to clear off his debts. It is further averred in the complaint that contrary to his instructions, the petitioner has cleared only a loan of Rs.1,00,000/-, retained the balance amount of Rs.3,50,000/- with her and utilized

some portion of the said amount for purchase of seven tulas of gold and then got gold ornaments made for her. It was also set out that she retained the balance money with her. The complaint further proceeded to set out that the petitioner and the 2nd accused have developed illegal intimacy and the petitioner herein left the matrimonial home on 24-09-2011 and started living with the 2nd accused at Nyalkal village and on receiving such information, the complainant came from Masqat on the same day, i.e., 24-09-2011 and that he went to Nyalkal village on 01-11-2011 and brought the petitioner and handed her over to her parents and since the petitioner herein and the 2nd accused in the complaint have been leading adulterous life, they seemed to have committed an offence. It was further alleged that the 3rd accused kept on threatening the complainant with dire consequences if he reports the matter to the police. Therefore, it is stated that there was some delay in reporting the matter.

The learned counsel for the petitioner would urge that it is, in fact, the complainant - 2nd respondent herein, who has committed a gross offence of getting married a second time while the marriage between him and the petitioner herein is subsisting. The petitioner had filed M.C.No.16 of 2012 on the file of the Judicial Magistrate of First Class Court at Siricilla, under Section 125 of the Code on 22-08-2012, to which the 2nd respondent complainant is made as the respondent. Thereafter, she has also filed a complaint under Section 200 of the Code before the Judicial Magistrate of First Class Court at Siricilla on 22-08-2012 setting forth as to how the 2nd respondent has committed the offence under Section 494 read with Sections 109 and 498-A of the Indian Penal Code, and that complaint has been referred by the learned Magistrate to the Police at Konaraopet, who registered it as Crime No.67 of 2012 on 17-09-2012 and because of the aforementioned two cases filed by the petitioner herein on 22-08-2012, as a counter blast, the 2nd respondent has

lodged the complaint with the police on 21-09-2012. Thus, the learned counsel for the petitioner would contend that the complaint lodged by the 2nd respondent lacks any tenability.

From the material exhibited in this petition, it is clear that the petitioner herein has filed M.C.No.16 of 2012 on 22-08-2012 and she has also filed D.V.C.No.34 of 2012 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, on 22-08-2012 and also lodged a private complaint under Section 200 of the Code on 22-08-2012, which has been referred to the Police, who registered it as Crime No.67 of 2012 on 17-09-2012 and coming to know that the Police are likely to investigate as to the complaint lodged by the petitioner herein, the 2nd respondent has lodged a parallel complaint against her four days later, i.e., on 21-09-2012. If the contents of the complaint were to be believed that the 2nd respondent has gone to Nyalkal village on 01-11-2011 and retrieved the petitioner herein from the company of the 2nd accused and then restored her to the custody of her parents, there is no reason for the complainant to wait till 21-09-2012 for lodging a complaint against the petitioner herein.

From the narration of the above facts, it is clear that the present complaint is only a counter-blast tactic adopted by the 2nd respondent complainant and, therefore, I have no hesitation to quash the same as it lacks tenability and the *prima facie* material in support of the allegations made therein.

Accordingly, the criminal petition is allowed and the proceedings in F.I.R.No. 86 of 2012 on the file of Konaraopet Police Station, Karimnagar District are quashed.

Consequently, the miscellaneous applications, if any shall stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
23.06.2015.