

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION Nos.3728 OF 2012 AND 66 OF 2013

COMMON ORDER:

These criminal petitions under Section 482 of the Code of Criminal Procedure are filed by the petitioners/A.1 to A.5 seeking to quash the proceedings in C.C.No.1048 of 2011 on the file of the X Metropolitan Magistrate, Cyberabad, at Malkajgiri, Ranga Reddy District, arising out of offences under Sections 406 IPC and 498-A IPC.

The brief facts of the case are as follows. The daughter of the complainant was married to first petitioner/A.1 and that during their wedlock, they were blessed with a male child. They were staying in United States of America (USA). A.1 went to Antigua, West Indies, to study medicine and in the meantime, the daughter of the complainant was looking after the expenses of the family. After returning from Antigua, A.1 stayed at home and started preparing for Step-1 level examination and at that time, the daughter of the complainant paid 20,000 dollars to her husband/A.1. During that period, the daughter of the complainant was put to severe mental and financial stress. After completing the examination, A.1 along with other accused, harassed the daughter of the complainant physically and mentally and demanded her to bear the educational expenses of A.1. Hence, the complaint.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that admittedly entire occurrence took place in USA only and the complaint is also lodged by the mother of the first petitioner's wife, i.e., mother-in-law of the first petitioner and not by the wife of the first petitioner and as such, it is hearsay in nature. He further submits that no sanction is obtained to prosecute the petitioners herein and admittedly, all the petitioners as well as the *de facto* complainant are now living in USA. He further submits that the wife of the first petitioner herein has applied for

divorce in USA and to substantiate the same, he has filed the copy of the application filed by the wife of the first petitioner seeking legal separation before the Superior Court of Washington, Country of King.

Considering the above facts and circumstances of the case, this Court is of the view that pendency of this case against the petitioners herein would amount to abuse of process of law.

Insofar as the offence under Section 406 IPC is concerned, in the petition filed for divorce in the Court of USA, the relief of fair and equitable division of all the property is also sought and as such, the proceedings under 406 IPC is also an abuse of process of law. Hence, the proceedings in C.C.No.1048 of 2011 is liable to be quashed.

In the result, the criminal petitions are allowed and the proceedings in C.C.No.1048 of 2011 on the file of the X Metropolitan Magistrate, Cyberabad, at Malkajgiri, Ranga Reddy District, is hereby quashed. The petitioners/A.1 to A.5 are acquitted of the offences under Sections

406 IPC and 498-A IPC. Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE RAJA ELANGO

21.07.2015

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