

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.1120 of 2011

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner seeking to quash the C.C.No.455 of 2009 on the file of the III Metropolitan Magistrate, Cyberabad at L.B.Nagar, R.R.District, for the offence punishable under Section 498-A I.P.C.

The petitioner married the Respondent No.1 in the year 2005. Thereafter, they lived together for three months in India. Subsequently, they settled in the United States of America. The entire allegations against the petitioner are pertaining to the period between the years 2005 and 2009 when the Respondent No.1 stayed along with the petitioner herein in the United States of America. She lodged a complaint before the Police on 02-07-2009 after she came from the United States of America. In the meanwhile, both of them applied for divorce and divorce was also granted by the competent Court along with visitation rights to both parties. Further, it is brought to the notice of this Court that the Respondent No.1 is now residing in the United States of America. Further, to prosecute a person for the offence committed abroad, which is punishable under the provisions of the Indian Penal Code, necessarily a sanction should be obtained. In the present case, there is no sanction obtained by the prosecution to proceed against the petitioner herein.

Considering the said facts and circumstances, this Court is of the view that pendency of C.C.No.455 of 2009 on the file of the III Metropolitan Magistrate, Cyberabad at L.B.Nagar, R.R.District, amounts to abuse of process of law. Hence, the proceedings in C.C.No.455 of 2009 on the file of the III Metropolitan Magistrate, Cyberabad at L.B.Nagar, R.R.District, are hereby quashed.

Accordingly, the Criminal Petition is allowed. Consequently, Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

04th December, 2015

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