

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.13316 of 2010

ORDER:

The petitioner-accused seeks to quash the proceedings initiated against him in C.C.No.260 of 2010 on the file of the XIII-Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Section 498-A and 420 I.P.C.

On a complaint given by the 2nd respondent herein, a case in Crime No.287 of 2007 was registered against the petitioner by the Sub Inspector of Police, Humayunagar Police Station, Hyderabad. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offences against the petitioner in the Court of the XIII-Additional Chief Metropolitan Magistrate, Hyderabad and the same was numbered as C.C.No.260 of 2010.

Brief facts of the case are that the 2nd respondent-complainant is a divorced lady and her marriage with the petitioner-accused was performed on 27.12.2005 as per Muslim rites and customs and thereafter they lived together for some time at Masab Tank, Hyderabad. Subsequently, the petitioner stopped visiting the house as he had married another lady and started living with her.

Learned Counsel for the petitioner submitted that the allegations made in the complaint of the 2nd respondent are all vague and baseless and does not attract the provisions of Sections 498-A and 420 I.P.C. He further submitted that the petitioner is a Muslim by birth and under the Personal Law he is entitled to have a second marriage.

The truth or otherwise of the allegations cannot be gone into in this petition and it can only be decided during the course of trial. All the contentions raised by the learned Counsel for the petitioner fall within the purview of disputed questions of fact and they cannot be decided in this petition, but can be considered by the trial Court at the time of trial. Therefore, I see no reason to interfere with the matter at this stage by

quashing the proceedings against the petitioner.

Accordingly, the Criminal Petition is dismissed. However, the trial Court is directed to dispose of the aforesaid C.C.No.260 of 2010 as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

18-09-2015

Gsn