

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.1765 of 2011

ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/A1 seeking to quash the proceedings in C.C.No.320 of 2009 on the file of II Metropolitan Magistrate, Cyberabad at L.B.Nagar, Ranga Reddy District, for the offences punishable under Sections 498-A and 494 IPC.

2. The case of the prosecution is that the de facto complainant got friendship with A1 in 1997 and they both went to Singapore for employment in 1998 and got married at Singapore on 25.08.2000 and that the said marriage was registered at the office of the Assistant Registrar of Marriages at Singapore and they lived happily for some time. It is alleged that in March, 2008, A1 visited India to see his parents and came back to USA and started harassing the de facto complainant by demanding additional dowry of Rs.20 lakhs and 20 tulas of gold as dowry to approve their marriage by his parents. In the first week of November, 2008, A1 returned back to India from USA without informing the de facto complainant and on 09.11.2008, he got second marriage with A2 in the presence of elders, thereby A1 and A2 committed the offences punishable under Sections 498-A and 494 IPC.

3. Heard and perused the material on record.

4. As per the complaint and the charge sheet, the marriage of the de facto complainant with A1 was solemnized at Singapore in

the year 2000 and the alleged harassment for dowry was made at USA in 2008, whereas the statement of the father of the de facto complainant recorded by the police would show that her daughter was staying at USA and used to come to India to see them and she told him that her husband left her at USA in the month of November and married A2 in India and was staying at Malakpet. Except her own allegations, there is no corroborative evidence to support the alleged harassment of dowry by A1. As regards the alleged second marriage of A1 with A2 is concerned, no material is produced before this Court. Further, the allegations in the charge sheet and the statement of the father of the de facto complainant would reveal that the de facto complainant and A1 never resided in India and nothing is happened in India. Therefore, this Court is of the view that continuation of criminal proceedings against A1 would amount to an abuse of process of the Court.

5. In view of the aforesaid reasons, the Criminal Petition is allowed and the proceedings in C.C.No.320 of 2009 on the file of the II Metropolitan Magistrate, Cyberabad at L.B.Nagar, Ranga Reddy District, are quashed against the petitioner/A1. Even though A2 is not before this Court, this order can be extended to A2 also. Therefore, the proceedings in C.C.No.320 of 2009 on the file of the II Metropolitan Magistrate, Cyberabad at L.B.Nagar, Ranga Reddy District, are quashed against A2 also. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

RAJA ELANGO, J

26th November, 2015

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