

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

Criminal Petition No. 818 of 2011

Order:

This Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in DVC No.13 of 2010 on the file of the Judicial Magistrate of First Class, Husnabad.

2. The petitioner herein is the husband of the second respondent and father of the third respondent herein. The marriage between the petitioner and the second respondent was performed about 25 years back. Since the petitioner is alleged to have driven out the second respondent from his house demanding additional dowry, she filed MC No.19 of 1998 (Old MC No.54 of 1997) on the file of the Judicial Magistrate of First Class (Special Mobile), Karimnagar, seeking maintenance and, the learned Magistrate, by an order dated 30.03.1998, awarded a sum of Rs.200/- per month to the second respondent-wife and Rs.400/- per month to the third respondent-son till he attains majority. Subsequently, the second respondent-wife filed Crl.MP No. 845 of 1998 in MC No.19 of 1998 for recovery of the maintenance amount and the learned Magistrate, by an order dated 01.07.2000, disposed of the said petition by observing that the amount was deposited towards full settlement of alimony of both the petitioners, hence, directed the office to handover the FDR for Rs.37,454/-.

3. Thereafter, the second respondent herein filed the present DVC on 30.07.2010. The allegations as contained in the DVC are that the first respondent-husband used to visit her house to meet her son and that on 20.07.2004, in her absence, the first respondent-husband and other respondents entered into her house and took away her son forcibly and kept him in the illegal custody of the respondents 3 to 5. It

is also alleged that there is a threat to the life of her son in the hands of the respondents. It is also alleged that the first respondent-husband has also taken away her Ration Card and though a police complaint was given, but no action has been taken against the respondents. She prayed for different reliefs including awarding a sum of Rs.5,000/- per month to each of the petitioners towards maintenance, restraining the first respondent-husband from entering into the house and paying compensation of Rs.5,00,000/- towards mental agony.

4. Having heard the submissions of the learned counsel for the petitioner and having perused the material on record, *prima facie*, it appears that the allegations contained in the DVC needs to be enquired into and it cannot be said that there is no substance in the accusations made in the DVC warranting quashing of the proceedings. Absolutely, there are no merits in the Criminal Petition and the same is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed. However, the learned Judicial Magistrate of First Class, Husnabad, is directed to dispose of DVC No.13 of 2010 as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J.

Date: 02.07.2015

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