

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRIMINAL PETITION No.8372 OF 2015

ORDER:

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This Criminal petition is filed by the petitioner/A-1 for quashing the proceedings in F.I.R.No.800 of 2012 of Rajendranagar Police Station, which is registered for the offence punishable under Section 498-A IPC.

The case of the petitioner is that the respondent No.2 initiated criminal proceedings by filing complaint before the 1st respondent alleging that the petitioner married the daughter of 2nd respondent by name Bharani on 21-08-2008 at Hanmakonda, Warangal District. After the marriage, the daughter of 2nd respondent joined the company of petitioner at U.S.A. and they were blessed with a female child. Later the said child was brought to India by the petitioner and was given in custody to the parents of his wife. When the daughter of 2nd respondent, who is the wife of petitioner was in U.S.A. there arose certain disputes between her and the petitioner resulting in filing of custody petition vide case No.C-215, 892 before District Court of 317, Judicial District, Jefferson Country, Texas (U.S.A.) for the custody of the child and the same was decreed on 17-09-2012 in favour of the petitioner. When the order granting custody of the child was violated by the petitioner, contempt proceedings were initiated against the wife of the petitioner and to avoid the same, she left India and wreaking vengeance initiated present criminal proceedings through 2nd respondent, which resulted in F.I.R.NO.800 of 2012.

It is stated that the wife of the petitioner who is the daughter of 2nd respondent filed O.P.No.1495 of 2012 on the file of Family Court, L.B.Nagar, Ranga Reddy District for custody of child ignoring the judgment of Court at U.S.A. It is also stated that wife of the petitioner who is the daughter of 2nd respondent filed O.P.No.570 of 2015 on the file of Family Court, Ranga Reddy District at L.B.Nagar seeking divorce

and the same is pending.

The main thrust beyond all these proceedings is to avoid the judgment of the foreign Court in favour of the petitioner. When the petitioner filed contempt proceedings against the daughter of 2nd respondent in custody petition in U.S.A., the Court therein directed detention of the daughter of the 2nd respondent, she came back to India and started initiating criminal proceedings and proceedings in O.P.No.1495 of 2012 and O.P.No. 570 of 2015.

Learned counsel for the petitioner submits that the criminal proceedings are initiated with malafide intention and no offence is made out against the petitioner. The petitioner is unable to travel to India and defend himself in the O.Ps. as the Non-Bailable Warrants were issued and pending against him in the aforesaid crime.

Learned Public Prosecutor submits that serious allegations are made against the petitioner. The truth or otherwise of the allegations warrants trial and cannot be decided in the quash petition and sought for dismissal of the quash petition.

A perusal of the complaint in F.I.R.No.800 of 2012 of Rajendra Nagar Police Station goes to show that the allegations are made against the petitioner by his wife. Basing on the same, the crime is registered. The truth or otherwise of the allegations cannot be decided in the quash petition. At the initial stage, this Court cannot scuttle the investigation by interdicting the same by exercising the powers under Section 482 Cr.P.C. As such, I do not see any merit in the Criminal Petition. However, since the petitioner states that he will appear before the concerned Court i.e. VIII Metropolitan Magistrate, Rajendranagar, Cyberabad, to where the F.I.R. proceedings were forwarded and also defend his case in the O.Ps referred supra. It is the plea of the petitioner that if he is arrested, he will loose his job.

In view of the above facts, it is open for the petitioner to appear before the VIII Metropolitan Magistrate, Rajendra Nagar and make

necessary application for recall of warrants pending against him in Cr.NO.800 of 2012 of Rajendra Nagar Police Station, within a period of eight weeks from the date of receipt of copy of the order. If any such application is filed, the same may be considered as per law taking above facts and circumstances into consideration. Till then, there shall be stay of execution of Non-bailable warrants pending against the petitioner. If the petitioner fails to attend within such period, it is for the respondent-State to take steps to secure the presence of the petitioner.

With the above direction, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

A.RAJASHEKER REDDY,J

09-10-2015
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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.17618 of 2014

Date: 02.07.2014

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