

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION NO.3078 OF 2012

ORDER:

This Criminal Petition under Section 482 of Cr.P.C. is filed to quash the proceedings in Crime No.151 of 2012 on the file of Penamaluru Police Station, Krishna District for the offence under Section 498-A IPC.

The de facto complainant-second respondent herein lodged the complaint alleging that her marriage took place with A.1-first petitioner herein on 8.1.2001 and during their wedlock, they begot two sons and they lived happily till 2005 at United States of America and later, she returned to India and went to her in-laws house i.e. petitioners 2 and 3 herein. It is alleged that she was subjected to ill-treatment by petitioners 2 to 4 herein and she was not allowed to stay in their house. Thereafter she left the company of petitioners and stayed with her parents at their native place.

It is the contention of the learned counsel for the petitioners that present complaint is lodged only on 13.3.2012 and whereas the de facto complainant and the first petitioner lived together till 2005 while they were in U.S.A. and thereafter, she left the company of the first petitioner and thus they never lived together from 2005 onwards. It is further submitted that the first petitioner has already filed O.P.No.45 of 2008 on the file of Family Court at Hyderabad seeking divorce from the complainant and subsequent to the said O.P., the present complaint is lodged by the complainant with false allegations. It is contended that the complainant is not having stable mind and that after leaving the

company of first petitioner from U.S.A., she used to inform him through letters that she would join him but subsequently, she refused to join him. Further she sent e-mails to first petitioner seeking apology for her mistakes and though she expressed her willingness before the elders in 2011 to join the first petitioner, instead of joining him, she lodged the present complaint and also filed M.C.No.91 of 2010 and DVC No.29 of 2010.

Heard and perused the material available on record.

As seen from the record, the complainant-second respondent herein left the company of the first petitioner in 2005 itself. The allegations in the complaint are bald in nature and no specific allegation was made against any of the petitioners herein to attract an offence under Section 498-A IPC. Hence, allowing the impugned proceedings to continue against the petitioners is nothing but abuse of process of law and the same are liable to be quashed.

In the result, the Criminal Petition is allowed and the proceedings in Crime No.151 of 2012 on the file of Penamaluru Police Station, Krishna District are hereby quashed as against the petitioners herein.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

11th August, 2016

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