

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.231 of 2015

ORDER:

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This Criminal Petition is filed by A.1 under Section 482 of Cr.P.C. seeking to quash the orders dated 26.11.2014 in CrI.R.P.No.83 of 2014 passed by the Metropolitan Sessions Judge, Cyberabad at L.B.Nagar whereby the learned Judge dismissed the petition confirming the order dated 9.6.2014 in CrI.M.P.No.904 of 2013 in C.C.No.68 of 2012 on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar.

Pending the C.C.No.68 of 2012 filed by the complainant against her husband-petitioner herein and another alleging the offence under Sections 498-A, 109 and 197 IPC, the petitioner herein filed an application in CrI.M.P.No.904 of 2013 under Section 24 of Mental and Health Act and Section 45 of Evidence Act seeking to send the de facto complainant to a Psychiatrist to know whether she is suffering with mental ailment. By order dated 9.6.2014 the trial Court dismissed the said application and the same was confirmed by the Metropolitan Sessions Judge in CrI.R.P.No.83 of 2014. In para 9 & 10, the Court below observed as under:

“9. The petitioner has filed I.A.No.1874/2011 in O.P.No.954/2010 on the file of Family Court under Section 12 of Family Court Act r/w Section 26 to 33 of Central Mental and Health Act, 1987 r/w Section 151 of CPC to direct both the parties to appear before any psychiatrist to identify and resolve psychiatric problems of the Respondents. After full fledged enquiry the said petition was dismissed with costs by the learned Family Court, Ranga Reddy by observing that the petitioner had earlier filed an application in I.A.No.2623/2010 for the same relief and the said petition was dismissed. Further, the petitioner has filed a revision aggrieved by the orders of the Family Court in I.A.No.1874/2011 in O.P.No.954/2010 and the Hon’ble High Court also dismissed the petition holding that the petitioner has not placed any material to show that the Respondent is suffering from psychiatric

disorder and requires consultation of the psychiatrist and observed that the direction sought by the petitioner is wholly unwarranted in view of the earlier application.

10. Therefore, it is clear that the petitioner has failed petitions on two occasions i.e., one in the Family Court and one before the Hon'ble High Court by way of Revision seeking relief similar to that of petition on hand. The petitioner has not satisfied as to what are the changed circumstances which necessitates to file an application to send the Respondent to psychiatrist."

The above observation speaks in volume the manner in which the petitioner herein filing application to harass the de facto complainant. Further the trial Court can take just decision to decide whether or not an offence is made out for the offence under Section 498-A IPC by examining the witnesses. Hence, this Court is not inclined to interfere with the impugned orders.

In the result, the Criminal Petition fails and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

10th March, 2016
Tsr

