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* THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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+ CRL.P.No.6645 OF 2010

% 28.03.2016

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S.Rehana Sulthana @ Rehana Begum

Petitioner

VERSUS

\$ **B.Mohammad Ghouse & Another.**

Respondent

! Counsel for Petitioner : Sri K.V.Subba Reddy

^ Counsel for the respondent : Sri M. Bhaskar

<GIST:

> HEAD NOTE:

? Cases referred

[1] 2003 (1) ALT (Cri.) 369

² (2002) 7 SCC 518

³ (2007) 6 SCC 555

⁴ (2008) 13 SCC 689

⁵ (2011) 12 SCC 347

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THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.6645 OF 2010

ORDER:

1 This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order dated 08.06.2009 passed in CrI.R.P.No.110 of 2007 by the learned Principal District & Sessions Judge, Ananthapur, wherein and whereby the order dated 22.10.2007 passed by the learned Judicial Magistrate of I Class, Ananthapur in M.C.No.38 of 2006 was confirmed.

2 The learned counsel for the petitioner would submit that the Courts below misconstrued the scope of Sub-Section 4 of Section 125 Cr.P.C. and dismissed the petition. He would further submit that the Courts below failed to appreciate that the petitioner left the matrimonial home because of the harassment meted out by the respondent and his family members. It is his further submission that the Courts below failed to appreciate that Talaqnama dated 14.09.2006 has no legal sanctity for non-following the procedure contemplated under Mahomedan Law. He further submitted that the findings of the courts below are perverse as the same are not based on any material. He further submitted that no notice was served on the petitioner intimating the pronouncement of Talaq by the respondent.

3 *Per contra*, the learned counsel for the respondent submitted that this Court shall not lightly interfere with the concurrent findings of fact recorded by the Courts below. He further submitted that the findings recorded by the Courts below are supported by oral and documentary evidence more so legally admissible evidence. He further submitted that it is not a fit case to quash the impugned order by invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C.

4 The facts of the case that led to the filing of the present petition are succinctly as follows:

5 The petitioner filed a petition under Section 125 Cr.P.C. claiming maintenance of Rs.6,000/- p.m. from the respondent inter alia stating that her marriage with the respondent was performed on 22.01.2006 as per Muslim rites and caste customs. As per the allegations made in the petition, the parents of the petitioner gave Rs.2.00 lakhs of cash and 12 tulas of gold to the respondent at the time of marriage towards dowry. Immediately after the marriage, she joined the respondent to lead marital life. The respondent and his family members subjected her to cruelty and hence she lodged complaint with the Station House Officer, Mahila Police station, Ananthapur, who in turn registered a case in Cr.No.26 of 2006 under Section 498-A of IPC. Two months prior to the filing of the petition for maintenance the respondent necked out the petitioner from matrimonial home without honouring the advice of the elders. Several panchayats held to settle the dispute between the parties but in vain. The respondent is a government employee and getting salary of Rs.10,000/- per month. Hence the petition.

6 The respondent filed counter admitting the factum of marriage, inter alia, contending that the petitioner stayed in the house of the respondent for a period of ten days only. The petitioner insisted the respondent for setting up of separate family for which the respondent refused. Therefore, the petitioner left the house of the respondent. On 06.05.2006 the respondent got issued a notice to the petitioner requesting her to join with him. On 18.5.2006 the petitioner executed an agreement in the presence of the elders agreeing that she will not insist for separate family and join with him. On 14.8.2006 the petitioner lodged a false complaint to the Station House Officer, Mahila Police station, Ananthapur who in turn registered it as a case in Cr.No.26 of 2006 against the respondent and his family members for the offence under Section 498-A of IPC. Having no other alternative, the respondent pronounced Talaq in the presence of elders on 14.09.2006 and sent notice to the petitioner informing pronouncement of talaq along with demand drafts, which was returned as unserved. The petitioner is a divorced woman and hence she is not

entitled to claim maintenance from the respondent. The petitioner has been working as Hindi Pandit in Vivekananda High School, Gooti and getting salary of Rs.3,000/-p.m. The respondent is working as Lineman in A.P.TRANSCO and getting salary of Rs.4,000/- p.m. Hence the petition may be dismissed.

7 Before the trial Court on behalf of the petitioner P.Ws.1 and 2 were examined but no document was marked. On behalf of the respondent R.Ws.1 and 2 were examined and Exs.R.1 to R.17 were marked.

8 The trial Court after having thoughtful consideration to the oral and documentary evidence available on record, arrived at a conclusion that the petitioner herself left the matrimonial home without any justifiable reason. The trial Court further observed that the petitioner is a divorced woman, therefore, she is not entitled to claim maintenance from the respondent and dismissed the petition.

9 Feeling aggrieved by the order of dismissal dated 22.10.2007 passed by the trial Court in M.C.No.38 of 2006, the petitioner preferred Crl.R.P.No.110 of 2007 before the learned Principal District & Sessions Judge, Ananthapur. The learned Principal District & Sessions Judge, Ananthapur after reappraising the material available on record, fully endorsed the findings recorded by the trial Court and dismissed the Criminal Revision Petition. Hence the present Criminal Petition.

10 Now the points that arise for consideration in this Criminal Petition are:

- i. Whether the petitioner is entitled to claim maintenance from the respondent?
2. Whether the findings recorded by the trial Court are perverse, warranting interference of this Court?

POINT Nos.1 & 2:

11 Both the points are intertwined with each other and hence I am inclined to address these two points simultaneously in order to avoid

recapitulation of facts and evidence.

12 The chronological dates and events may throw some light on the real controversy. The marriage of the petitioner was performed with respondent on 22.01.2006 as per Muslim rites and caste customs. In the presence of elders the petitioner and the respondent entered into an agreement on 18.05.2006 in order to lead peaceful and happy married life. Be that as it may, unfortunately bad weather prevailed in the family life of the petitioner and respondent within no time from the date of marriage. Basing on the complaint lodged by the petitioner, the Station House Officer, Mahila Police station, Ananthapur registered a case in Cr.No.26 of 2006 under Section 498-A of IPC against the respondent and his family members on 14.8.2006. On 22.08.2006 the petitioner filed the petition before the trial Court.

13 In order to claim maintenance, the petitioner has to satisfy the ingredients of Sub-Sections (1) & (4) of Section 125 Cr.P.C. which read as follows:

125. Order for maintenance of wives, children and parents: (1) If any person having sufficient means neglects or refuses to maintain:

- a) his wife, unable to maintain herself; or
- b) his legitimate or negligence minor child, whether married or not, unable to maintain itself; or
- c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself; or
- d) his father or mother, unable to maintain himself or herself,

Sub-Section (4) of Section 125 Cr.P.C.

“No wife shall be entitled to receive an (allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be) from her husband under this Section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.”

(Underlined by me)

14 A fascicular reading of the above two provisions clearly demonstrates that if the husband wilfully and intentionally neglects to provide maintenance to his wife, then she can approach the Court

seeking maintenance. At the same time, wife is not entitled to claim maintenance from her husband if she left the matrimonial home without any cause much less justifiable cause.

15 To substantiate the case, the petitioner examined herself as P.W.1. Her father was examined as P.W.2. To demolish the case of the petitioner, the respondent examined himself as R.W.1 and got marked Exs.R.1 to R.17. R.W.2 was examined to prove pronouncement of Talaq. The petitioner knocked the doors of the Court on 22.08.2006 seeking maintenance from the respondent as she is unable to maintain herself. The underlying object of Section 125 Cr.P.C. is to wipe off the tears of the destitute wife and the children who were mercilessly thrown out of the matrimonial home, for no fault of them.

16 As per the testimony of P.W.1, the respondent and his family members subjected her to cruelty and hence she left the matrimonial home on 12.08.2006. As per the testimony of R.W.1, the petitioner stayed with him for hardly ten days and left the house on the ground that he did not heed her request to set up separate family. The respondent got issued legal notice on 06.05.2006 (Ex.R.4 is the office copy of the legal notice) requesting the petitioner to join with him to lead marital life. Ex.R.6 is the acknowledgement. Whatever deposed by R.W.1 is reflecting in Ex.R.4 legal notice. For one reason or the other the petitioner did not choose to issue reply to Ex.R.4. If really the respondent and his family members subjected the petitioner to cruelty what prevented her to give a befitting reply narrating the alleged torture being undergone by her at her in-laws home? In the cross examination P.W.1 in unequivocal terms deposed that she executed an agreement – Ex.R.7 in the presence of elders with an undertaking that she will not insist the respondent for setting up separate family. If really the petitioner did not pester the respondent persistently to set up separate family, what made her to subscribe her signature on Ex.R.7 agreement? The Court shall not lose sight of the human conduct while appreciating the rival contentions of the parties to the proceedings, more particularly in family matters, wherein

the possibility of distortion of facts by the parties to the proceedings in order to gain sympathy of the court cannot be ruled out completely. If really the petitioner has suffered in the hands of the respondent and his family members, certainly she might have availed the opportunity of issuing a befitting reply to the legal notice (Ex.R.4) issued by the respondent or she might have exposed the alleged misdeeds of the family of the respondent in the presence of the elders on 18.05.2006. This Court is very much conscious that non-issuance of reply by the petitioner itself is not a sufficient ground to draw adverse inference against her without considering the other attending circumstances. Within three months from the date of panchayat the petitioner lodged complaint against the respondent and his family members for the offence under section 498-A of IPC. Though the petitioner is resident of Gooti, for the reasons best known to her she lodged the complaint on the file of Station House Officer, Mahila Police Station, Ananthapur.

17 Establishment of the ingredients of Section 125 Cr.P.C. is *sine qua non* for granting of maintenance. In the instant case, the petitioner failed to prove that she left the matrimonial home because of the harassment meted out by the respondent and his family members.

18 The material available on record clearly establishes that the petitioner herself left the matrimonial home without any justifiable reason which disentitled her to claim maintenance under Section 125 Cr.P.C. I am fully endorsing the findings recorded by the courts below on this aspect.

19 The learned counsel for the petitioner submitted that the respondent has not followed the procedure as contemplated under the Mahomedan Law either at the time of pronouncement talaq or with regard to the proper communication of the talaqnama to the petitioner, therefore, the talaq alleged to have been pronounced by the respondent does not withstand judicial scrutiny. Therefore, the petitioner is entitled to claim maintenance from the respondent under Section 125 Cr.P.C. In this case, it has to be

seen whether the pronouncement of talaq by the respondent and communication of the talaqnama are not in accordance with the procedure contemplated under Mahomedan Law; and if it is so, the petitioner is entitled to claim maintenance from the respondent.

20 Chapter XVI of Mulla's Mahomedan Law, Nineteenth Edition, describes divorce. Section 307 deals with different forms of divorce, which reads as under:

"The contract of marriage under the Mahomedan Law will be dissolved in any one of the following ways: (1) by the husband at his will, without the intervention of a Court; (2) by mutual consent of the husband and wife, without the intervention of a Court; (3) by a judicial decree at the suit of the husband or wife. The wife cannot divorce herself from her husband without his consent, except under a contract whether made before or after marriage, but she may, in some cases. Obtain a divorce by judicial decree.

When the divorce proceeds from the husband, it is called *talaq*; when it is effected by mutual consent, it is called *khula* or *mubara* at according to the terms of the contract between the parties."

21 Section 308 deals with divorce by talaq, which reads as under:

"Any Mahomedan of sound mind, who has attained puberty, may divorce his wife whenever he desires without assigning any cause".

22 As per Section 310, talaq may be oral or in writing. A Talaqnama may only be the record of the fact of pronouncement of talaq or it may be the deed by which the divorce is effected. The deed may be executed in the presence of the Kazi or of the wife's father or of other witnesses. The deed is said to be in the customary form if it is properly superscribed and addressed so as to show the name of the writer and the person addressed.

23 In ***Zamrud Begum Vs. K.Md.Haneef***^[1] this Court held as follows:

16. I am of the considered view that the alleged talaq is not a valid talaq as it is not in accordance with the principles laid down by the Supreme Court. If there is no valid talaq the relationship of the wife with her husband still continues and she cannot be treated as a divorced wife. She can be treated as only a deserted wife.

24 In ***Shamim Ara Vs. State of U.P***^[2] the Hon'ble Hon'ble apex Court held as follows:

13. There is yet another illuminating and weighty judicial opinion

available in two decisions of the Gauhati High Court recorded by Baharul Islam, J. (later a Judge of the Supreme Court of India) sitting singly in *Jiauddin Ahmed v. Anwara Begum* {(1981) 1 Gau LR 358} and later speaking for the Division Bench in *Rukia Khatun v. Abdul Khalique Laskar* {(1981) 1 Gau LR 375}. In *Jiauddin Ahmed case* a plea of previous divorce i.e. the husband having divorced the wife on some day much previous to the date of filing of the written statement in the Court was taken and upheld. The question posed before the High Court was whether there has been valid *talaq* of the wife by the husband under the Muslim law. The learned Judge observed that though marriage under the Muslim law is only a civil contract yet the rights and responsibilities consequent upon it are of such importance to the welfare of humanity, that a high degree of sanctity is attached to it. But in spite of the sacredness of the character of the marriage tie, Islam recognizes the necessity, in exceptional circumstances, of keeping the way open for its dissolution (para 6). Quoting in the judgment several Holy Quranic verses and from commentaries thereon by well-recognized scholars of great eminence, the learned Judge expressed disapproval of the statement that “the whimsical and capricious divorce by the husband is good in law, though bad in theology” and observed that such a statement is based on the concept that women were chattel belonging to men, which the Holy Quran does not brook. The correct law of *talaq* as ordained by the Holy Quran is that *talaq* must be for a reasonable cause and be preceded by attempts at reconciliation between the husband and the wife by two arbiters — one from the wife’s family and the other from the husband’s; if the attempts fail, *talaq* may be effected (para 13). In *Rukia Khatun case*, the Division Bench stated that the correct law of *talaq*, as ordained by the Holy Quran, is: (i) that “*talaq*” must be for a reasonable cause; and (ii) that it must be preceded by an attempt of reconciliation between the husband and the wife by two arbiters, one chosen by the wife from her family and the other by the husband from his. If their attempts fail, “*talaq*” may be effected. The Division Bench expressly recorded its dissent from the Calcutta and Bombay views which, in their opinion, did not lay down the correct law.

25 Let me consider the facts of the case on hand on touchstone with the provisions of Mahomedan Law and also in the light of the principle enunciated by this Court and the Hon’ble apex Court in the cases cited supra.

26 As per the testimony of R.W.2, at the request of R.W.1 and his family members they approached the petitioner and requested her family members to come to the mosque at Gooti for settlement of the dispute between the couple on 14.09.2006. His testimony further reveals that on 14.09.2006 neither the petitioner nor her parents appeared before the Kazi in order to resolve the dispute. As per the testimony of R.W.1 on 14.09.2006 he pronounced *talaq* before the Kazi in the presence of R.W.2, Abdul Rehman and Ibrahim. Even as per the testimony of R.W.2, R.W.1 pronounced *talaq* in the presence of Kazi and himself. In the cross-examination of R.Ws.1 and 2 nothing is elicited to shake their

testimony so far as pronouncement of talaq by R.W.1 on 14.09.2006 is concerned. The testimony of R.W.2 clearly reveals that Ex.R.8 Talaqnama bears his signature.

27 Before pronouncement of talaq, the respondent invited the petitioner and her family members to come to the mosque on 14.09.2006 to resolve the dispute between them. For one reason or the other, neither the petitioner nor her parents turn up to the said panchayat. The respondent has taken a specific stand that he requested the petitioner and her parents to attend the panchayat to be held on 14.09.2006 in the mosque at Gooti. It is not elicited in the cross examination of R.W.1 that he did not invite the family members of the petitioner to the mosque on 14.09.2006. The material placed before the trial Court clinchingly establishes that the respondent made every attempt for reconciliation prior to the pronouncement of talaq with a fond hope that the petitioner may join him to lead happy marital life. The attempt of the respondent for reconciliation in the presence of elders and Kazi also went in vain.

28 Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that the respondent has strictly adhered to the procedure as contemplated under the Mahomedan Law in order to give effect to the talaq.

29 Under Mahomedan Law, the talaq pronounced by the husband will come to effect from the date it was communicated to the wife. As per the testimony of R.W.1 immediately after pronouncing talaq, he communicated the same to the petitioner by registered post with acknowledgement due. Exs.R.2 and R.3 are the un-served envelopes. As per the endorsement made on Exs.R.2 and R.3, the petitioner was continuously absent for seven days. On the same day i.e. 14.09.2006 the respondent also got issued a notice to the petitioner intimating the pronouncement of talaq. Ex.R.9 is the office copy of the notice and Ex.R.10 is the acknowledgement. A perusal of the record reveals that the

respondent sent copy of the talaqnama Ex.R.11 to Ashraf of Asrar mosque in order to comply with the religious requirement.

30 The respondent sent Exs.R.2 and R.3 to the address where the petitioner has been ordinarily residing with her parents. In the cross examination P.W.1 in unequivocal terms deposed that she has been residing in the address to which Exs.R.2 and R.3 were sent. The crucial question for determination is whether the Courts below were justified in drawing a presumption that notice was served on the petitioner or not?

31 In **C.C.Alavi Haji Vs. Palapetty Muhammed**^[3] the Hon'ble Hon'ble apex Court held as follows:

13. According to Section 114 of the Act, read with Illustration (f) thereunder, when it appears to the court that the common course of business renders it probable that a thing would happen, the court may draw presumption that the thing would have happened, unless there are circumstances in a particular case to show that the common course of business was not followed. Thus, Section 114 enables the court to presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case. Consequently, the court can presume that the common course of business has been followed in particular cases. When applied to communications sent by post, Section 114 enables the court to presume that in the common course of natural events, the communication would have been delivered at the address of the addressee. But the presumption that is raised under Section 27 of the GC Act is a far stronger presumption. Further, while Section 114 of the Evidence Act refers to a general presumption, Section 27 refers to a specific presumption. For the sake of ready reference, Section 27 of the GC Act is extracted below:

“27. Meaning of service by post.—Where any Central Act or Regulation made after the commencement of this Act authorises or requires any document to be served by post, whether the expression ‘serve’ or either of the expression ‘give’ or ‘send’ or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.”

14. Section 27 gives rise to a presumption that service of notice has been effected when it is sent to the correct address by registered post. In view of the said presumption, when stating that a notice has been sent by registered post to the address of the drawer, it is unnecessary to further aver in the complaint that in spite of the return of the notice unserved, it is deemed to have been served or that the addressee is deemed to have knowledge of the notice. Unless and until the contrary is proved by the addressee, service of notice is deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of business. This Court has already held that when a notice is sent by

registered post and is returned with a postal endorsement “refused” or “not available in the house” or “house locked” or “shop closed” or “addressee not in station”, due service has to be presumed. (Vide *Jagdish Singh v. Natthu Singh* {(1992) 1 SCC 647} *State of M.P. v. Hiralal* {(1996) 7 SCC 523} and *V. Raja Kumari v. P. Subbarama Naidu* {(2004) 8 SCC 774}. It is, therefore, manifest that in view of the presumption available under Section 27 of the Act, it is not necessary to aver in the complaint under Section 138 of the Act that service of notice was evaded by the accused or that the accused had a role to play in the return of the notice unserved.

32 In **Subodh S.Salaskar Vs. Jayprakash M. Shah**^[4] the Hon’ble Hon’ble apex Court held as follows:

24. Presumption of service, under the statute, would arise not only when it is sent by registered post in terms of Section 27 of the General Clauses Act but such a presumption may be raised also under Section 114 of the Evidence Act. Even when a notice is received back with an endorsement that the party has refused to accept, still then a presumption can be raised as regards the valid service of notice. Such a notice, as has been held by a three-Judge Bench of this Court in *C.C. Alavi Haji v. Palapetty Muhammed* {(2007) 6 SCC 555} should be construed liberally.

33 As per the principle enunciated in the cases cited supra, the Court can draw a presumption that the notice was served on the party to the proceedings if the same was sent by registered post with acknowledgement due to the address where he or she ordinarily resides unless and until the contrary is proved. It is not the case of the petitioner that at the relevant point of time, she was not residing in the address as mentioned on Ex.R.2 and R.3 envelopes. Having regard to the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that the notice was served on the petitioner.

34 A divorced Muslim woman is entitled for maintenance during the iddat period in view of Section 3 (i) (a) of the Muslim Women (Protection of Rights on Divorce) Act, 1986. As seen from the testimony of R.W.1 he obtained demand draft for Rs.5,215/- and Rs.3,000/- towards Mahr and Thavi respectively and sent the same to the petitioner along with Exs.R.2 and R.3. Therefore, the respondent has strictly adhered to the procedure contemplated under the Mahomedan Law and nothing is brought on record to establish that the respondent had deviated from the procedure at

the time of pronouncing talaq or communication of the same to the petitioner.

35 The Courts below have considered all these aspects meticulously and arrived at a conclusion that the petitioner being a divorced wife is not entitled to maintenance from the respondent.

36 As per the recitals of the petition, the petitioner has no means to maintain herself. In the counter, the respondent has taken a specific stand that the petitioner has been working as Hindi Pandit in Vivekananda School, Gooti. To substantiate the stand of respondent, he placed reliance on Ex.R.1 certificate issued by the Head Master of the said school. As per the recitals of Ex.R.1, the petitioner worked as Hindi Pandit from June 2005 to October 2006. The petitioner was having sufficient means to maintain herself as on the date of filing of the petition i.e. 22.08.2006. A person who suppressed material facts is not entitled to claim relief. In the instant case, the petitioner suppressed material facts while filing the petition under Section 125 Cr.P.C. claiming maintenance from the respondent.

37 In **Padal Venkata Rama Reddy @ Ramu v Kovvuri**

Satyanarayana Reddy^[5], the Supreme Court held as follows:

In a proceeding under Section 482 Cr.P.C., the High Court will not enter into any findings of facts, particularly, when the matter has been concluded by concurrent finding of facts of two courts below.

38 Before parting with the order, this Court feels it apposite to refer to the prevailing scenario in the society regardless of religion, region and caste though it is somewhat painful. In recent days, the number of matrimonial cases is abundantly increasing day by day due to obvious reasons. Lack of patience, intolerance, unconcern, greediness and financial independence among newly married couple may be the root cause for the family bondage to become weak. The present case is one such classic example. It is a matter of common knowledge that the real cause for differences between the spouses may be so many else other

than which they are fighting in the Courts. If the elders of both sides intervene at appropriate time and identify the real cause for differences between the spouses, the Courts may not be overburdened with matrimonial cases. Instead of resolving the trivial issues in the presence of relatives or village elders, young couples are knocking the doors of the Courts carried away by emotions, egos and anger without visualising the evil consequences of irretrievably breaking down of matrimonial tie, for which act the parents are also some times wittingly or unwittingly becoming instrumentalities. It is not exaggeration to say that by the time the litigation comes to an end, the parties to the proceedings sufficiently become old. It is needless to say that if the spouses approach the Court at a young age and fight in the Courts till they become old, thereafter, even if they realise the importance of the family life, it is not possible for them to put the clock back. Happy departure may be the best way, if the chances of reconciliation between the spouses are too remote and eventually separation of spouses is inevitable under any circumstances. It is the duty of the parents and elders to impart the value of marital knot to the younger couple in order to enjoy the married life in a fruitful manner.

39 For the foregoing discussion, this Court is of the considered view that both the courts below have scrutinized the material available on record in right perspective and the said findings are based on sound reasoning and hence interference of this Court under Section 482 of Cr.P.C is unwarranted. This petition is devoid of merit and accordingly the same is liable to be dismissed. Accordingly, the points are answered.

40 In the result the criminal petition is dismissed. As a sequel, miscellaneous petitions, pending in this petition, if any, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 28th March, 2016

L.R. Copy be marked.

Kvsn

[\[1\]](#) 2003 (1) ALT (Cri.) 369

[\[2\]](#) (2002) 7 SCC 518

[\[3\]](#) (2007) 6 SCC 555

[\[4\]](#) (2008) 13 SCC 689

[\[5\]](#) (2011) 12 SCC 347