

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3324 of 2012

ORDER:

This Criminal Petition is filed by the petitioner/A-4 seeking to quash the proceedings against her in C.C.No.645 of 2010, on the file of the Additional Munsiff Magistrate, Chirala, Prakasam District.

2. Heard and perused the material available on record.

3. The facts of the case are that the 2nd respondent/*de facto* complainant filed complaint in F.I.R.No.10 of 2009 on 19.01.2009 under Sections 498-A and 494 IPC before the Chirala II Town Police Station, Prakasam District, against her husband and his family members (A-1 to A-3) including the petitioner herein as A-4 on the allegation that A-1 to A-3 have harassed her both physically and mentally and further alleged that she came to know that A-1 married A-4. Basing on the said allegations, she requested the police to investigate into the matter. The said crime was referred to the Hon'ble Additional Munsiff Magistrate, Chirala, Prakasam District, and numbered as C.C.No.645 of 2010. After investigation, the police filed charge sheet against A-1 to A-3 under Sections 498-A and 494 IPC including the petitioner as A-4 under Section 494 IPC.

4. The allegation against the petitioner is that she married the husband of the second respondent during the pendency of the first marriage and the petitioner as well as the A-1 are governed by the Muslim Law. Admittedly, there is no evidence adduced by the prosecution to prove that such marriage took place in the presence of other persons concerned. There is no material

to prove regarding the second marriage. Hence, this Court is of the view that the present complaint in C.C.No.645 of 2010, on the file of the Additional Munsiff Magistrate, Chirala, Prakasam District, is liable to be quashed.

5. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.645 of 2010, on the file of the Additional Munsiff Magistrate, Chirala, Prakasam District, are hereby quashed. Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

RAJA ELANGO, J

Date: 27th August, 2016

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