

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9986 of 2016

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C., seeking to quash C.C.No.326 of 2011 on the file of I-Additional Chief Metropolitan Magistrate, Visakhapatnam, insofar as the petitioners are concerned, who are shown as A2 to A5.

The facts are that the non-petitioner/A1 and the daughter of 1st respondent herein by name Atluri Prathyusha Radhika (LW-2), were married on 31.07.2009 and thereafter they left to United States of America on 17.09.2009 and within two months thereafter i.e. on 05.11.2009, the husband is said to have filed a divorce petition before competent Court in USA which was allowed on 08.06.2010. However, it appears, the present complaint came to be filed by the 1st respondent herein, who is the mother of LW-2/ wife.

When the notice of this petition is sent to the 1st respondent, the same has been returned with an endorsement that she has refused to receive the same. A perusal of the material on record shows that it is a case where the matter has been settled and the case is unnecessarily pending since 2011.

Having considered the above facts and circumstances, it is evident that the de facto complainant who is the mother of the wife has no interest to pursue the matter and therefore, even though the matter is pending for the last Five years, the trial is

not taken up so far.

Hence, this criminal petition is allowed and all the proceedings in C.C.No.326 of 2011 on the file of I-Additional Chief Metropolitan Magistrate, Visakhapatnam are quashed insofar as petitioners/A2 to A5, who are the mother and sister of A1, husband of A3 and sister of A2 respectively.

Consequently, pending miscellaneous applications, if any, shall stand closed.

M.S.K.JAISWAL, J

26th August 2016

ajr