

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.14643 OF 2016

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Crime No.344 of 2015 on the file of Khanapuram Haveli, Khammam District, registered for the offences punishable under Sections 120-B, 495, 468, 461, 420, 406, 506 read with 34 of Indian Penal Code (for short "I.P.C.") and under Section 156 (3) of Cr.P.C.

The petitioner is the accused No.3 in Crime No.344 of 2015 on the file of Khanapuram Haveli, Khammam District. The offence allegedly committed by the petitioner is that he has concealed the fact that accused No.1 was already married and the same was not disclosed at the time of wedlock between the defacto complainant and accused No.1.

Learned counsel for the petitioner contended that the petitioner herein attended the said marriage along with other relatives of accused No.1 and he is no way concerned with the accused No.1.

However, serious allegation made in the private complaint filed under Section 200 Cr.P.C. against the petitioner is that he is responsible for suppressing the earlier marriage of accused No.1.

Therefore, allegation made in the complaint constitute an offence punishable under sections referred above, *prima facie*, if proved; the truth or otherwise of the allegations cannot be gone into in a petition filed under Section 482 of Cr.P.C. Hence, I find

prima facie material against the petitioner for the offences referred above and it is not a fit case to quash the proceedings in Crime No.344 of 2015 on the file of Khanapuram Haveli, Khammam District. However, police are directed to follow the procedure laid down in Section 41-A of Cr.P.C. and guidelines formulated by the Apex Court in “**Arnesh Kuamr v. State of Bihar and another**¹”

With the above directions, the petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

Date:18.10.2016
Ksp

JUSTICE M. SATYANARAYANA MURTHY



¹ (2014) 8 SCC 273