

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1394 of 2016

ORDER:

The petitioners preferred the present Criminal Revision Case by invoking the provisions under Sections 397 & 401 of the Code of Criminal Procedure being aggrieved by the order, dated 24.03.2016, passed in CrI.M.P.No.1775 of 2015 in C.C.No.1112 of 2013, by the X Metropolitan Magistrate, Cyberabad at Malkajgiri, wherein and whereby the learned Magistrate dismissed the discharge petition filed by petitioners.

Heard and perused the material available on record.

The main contention raised by the learned counsel for the petitioners is that the complaint was lodged by the *de facto* complainant subsequent to filing of the divorce application and also the petitioners have also obtained an interim order from the civil Court not to interfere with the peaceful life by the *de facto* complainant. Aggrieved over the said order, the present complaint is lodged.

The allegation against the present petitioners is that they instigated A-1 to marry another lady and abused the *de facto* complainant in Panchayat.

This Court is of the view that the said facts, truth or otherwise, to be decided by the competent trial Court by examining the witnesses. The petitioners are always at liberty to cross-examine the witnesses regarding the allegations made by the *de facto* complainant and they are at liberty to rebut the evidence adduced by the *de facto* complainant. Hence, this Court is not inclined to interfere with the trial Court at this stage.

Considering the facts and circumstances of the case, since it is a case arising out of matrimonial offence, the presence of the petitioners is dispensed with before the Court concerned, except on the dates on which the trial Judge insists for their appearance.

Accordingly, the Criminal Revision Case is disposed of.
Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

Date: 9th June, 2016

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