

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.15585 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in F.I.R.No.633 of 2016 on the file of Chilakalaguda Police Station, Hyderabad, for the offences punishable under Sections 366, 354 & 506 I.PC.

The defacto complainant is the wife of one N. Srinath. She along with her husband and two children are residing at Warasiguda, Secunderabad. While they are residing at Warasiguda, one Fayyaz, the petitioner having mobile Nos.9985244147 & 9959447984 introduced himself to the defacto complainant. Further, it is the case that the petitioner obtained the mobile number of the defacto complainant and when the defacto complainant refused to speak with the petitioner, he threatened to commit suicide.

To overcome the harassment and nuisance from the petitioner, the defacto complainant changed her mobile number. But, with a lust and passion towards her, he obtained the mobile number of defacto complainant which was noted on identity cards of the children of the defacto complainant and continued to start harassing the defacto complainant. The petitioner went on to the extent of threatening to kill the defacto complainant's husband and children.

On 24.09.2016, receiving a threat from the petitioner, the defacto complainant along with her two children was taken to the house of the petitioner at Begumpet. The defacto complainant was

forced by the petitioner to drop her two children at her mother's house at Warangal and return to Hyderabad.

During the interregnum period, the husband of the defacto complainant lodged a complaint at Chilkaiguda Police Station and Cr.No.577 of 2016 was registered a woman missing case. The defacto complainant concealed that the petitioner pressurised her to take divorce from her husband and as the defacto complainant was scared about the life of the husband the children, she obeyed to the instructions of the petitioner. Further, the defacto complainant shared the information with her husband and she lodged a complaint and the same was registered as crime and issued F.I.R.No.633 of 2016 on 21.10.2016 apprehending life threat. It is stated by the defacto complainant that due to mental depression, she did not disclose the same incident to anyone, but later, disclosed the same to her husband and gave complaint explaining the delay for lodging the complaint with the police.

The contention of the learned counsel for the petitioner before this Court is that the allegations made in the complaint are contrary to the allegations made in the complaint by the husband of the defacto complainant. That apart, the unexplained delay is sufficient to disbelieve the defacto complainant's version and quash the proceedings.

As seen from the allegations made in the complaint, husband of the defacto complainant lodged a complaint on 25.09.2016. The defacto complainant, along with her children left her house on the pretext of going to her mother's house at Warangal. Later, when the husband of the defacto complainant tried to contact her on her mobile No.9000982431, but, the phone

was switched off. Husband of the defacto complainant later came to know that she was regularly in conversation with one person over mobile no.9985244147. Thus, there is any amount of consistency in the complaint dated 25.09.2016 submitted by the husband of the defacto complainant and the complaint submitted by the defacto complainant on 15.10.2016 disclosed the two mobile Nos.9985244147 & 9959447984. If those two complaints are taken into consideration, it is evident that the petitioner used to harass the defacto complainant in the manner which I mentioned in the earlier paragraphs. Even after the defacto complainant changed her number, the petitioner is wise enough in obtaining the mobile number through the identity cards hanged on her children neck and continued to harass her. In the complaint itself, she explained the reason for delay and that apart, the alleged offence is a serious offence effecting the reputation of the family of the defacto complainant. Therefore, delay explained in the complaint itself cannot be a ground to quash the proceedings at this stage while exercising power under Section 482 of Cr.P.C, since the allegations made in the complaint on its face value would *prima facie* constitute an offence.

Therefore, I find no ground to quash the proceedings and the petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

Consequently, miscellaneous applications pending if any shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:01.11.2016
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