

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

TRANSFER CRIMINAL PETITION No.313 of 2011

ORDER:

This Transfer Criminal Petition is filed under Section 407 Cr.P.C., by the petitioner to withdraw C.C.No.374 of 2009 on the file of VI Additional Judicial Magistrate of First Class, Rajahmundry, East Godavari District and transfer the same to the file of XIII Chief Metropolitan Magistrate-cum-Mahila Court, Nampally, Hyderabad.

2. The marriage of the petitioner/*de facto* complainant and the victim by name Dukkipati Neelima (LW.1), who is working as a Senior Sales Officer in ING Vysya Bank, was performed with the 1st respondent-accused on 03.08.2001 and given three storeyed shopping complex at Amalapuram, a house site situated at Guntur, cash of Rs.10,00,000/-, 25 sovereigns of gold, one Hero Honda Passion, cash of Rs.50,000/- towards Adapauchu dowry, cash of Rs.75,000/- for car and also gave 10 sovereign of gold ornaments and Sari Samanulu worth about Rs.1,50,000/-, with the sari samanulu worth about Rs.2,00,000/- as dowry. After the marriage, she joined the 1st respondent at Kothagudem for leading marital life. Out of wedlock, they were blessed with a baby girl (dumb and physically handicapped) and a baby boy. Thereafter, the 1st respondent took her to Rajahmundry for the purpose of business. Since then, the 1st respondent

demanded the petitioner to take Rs.5,00,000/- to run a quarry business in her favour at Rowthulapudi of Sankhavaram Mandal. Accordingly, she brought cash of Rs.5,00,000/- and gave to the accused, who started the quarry business at Rowthulapudi. Again, the 1st respondent changed their residence to Rowthulapudi for the business purpose and he addicted to bad vices and started harassing her to bring cash from the house of her parents (LWs.2 and 3) and with that demand, he kept her for one year at the house of her parents at Nellore. As she could not bear with the harassment of accused, she had attempted to commit suicide by consuming poison and then she was admitted in Nellore Hospital and survived. Again, the 1st respondent had started harassing her to bring cash of another Rs.5,00,000/- and she arranged the said amount. Then, the accused had led marital life with her amicably for about six months. Again the 1st respondent started harassing her by beating and demanding to sell away the property, which belonged to her and give that amount to him. When she had objected the said proposal, the 1st respondent scolded and insulted her touching her character and necked her out of the house. He hit her with shoe on her right eye, and she received a wound on her right eye. Again, his on demand, her grandfather purchased new sarees as household articles worth Rs.2.00 Lakhs.

On these allegations, a case in Crime No.106 of 2009, under Section 498-A read with 34 IPC was registered by II Town (L&O) Police Station, Rajahmundry.

3. Learned counsel for the petitioner submitted that when the petitioner attended the Court at Rajahmundry on 20.10.2011 in connection with C.C.No.374 of 2009, the first respondent threatened her with dire consequences to withdraw the said case, therefore, she has a threat to her life, on this ground sought for transfer of Calendar Case to XIII Chief Metropolitan Magistrate-cum-Mahila Court, Nampally, Hyderabad.

4. When the matter was listed on 22.09.2017, learned counsel for the petitioner made the following submission:

“Learned counsel for the petitioner submits that O.P.No.92 of 2009 pending on the file of Family Court, Rajahmundry for divorce and recovery of plot has been compromised between the petitioner and respondent No.1 and the same was recorded by the Division Bench of this Court on 16.03.2017 in F.C.A.M.P.No.158 of 2017 in F.C.A.No.241 of 2010 but respondent No.1 has not complied with the terms of compromise. Therefore, the petitioner herein has moved the Contempt Case No.1446 of 2017 and the same is pending.

It is further represented that the matter is likely to be compromised in the contempt case and requested for time.”

5. In the light of the above representation, it is obvious that the cause in this petition does not survive for further adjudication.

6. Accordingly, the Transfer Criminal Petition is dismissed as infructuous, leaving open the remedies available to the petitioner under law. Miscellaneous petitions, if any, pending in this petition shall stand closed.

GUDISEVA SHYAM PRASAD, J

OCTOBER 09, 2017
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Date: 09.10.2017

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