

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.491 of 2017

ORDER :

The present petition is filed by the A.1 in Crime No.74 of 2016 of Women Police Station, Charminar, South Zone, Hyderabad, requesting to quash the proceedings in the above crime by invoking the power under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.').

2. Heard Smt.Jaya Vindhyala, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

3. The main submission raised by the learned counsel for the petitioner is that this is nothing but a counter-blast case, for the reason, earlier when the petitioner returned from United Kingdom and visited the house of his parents-in-law to take back the de facto complainant, who is his wife, he was attacked and caused injury on his person in regard to which incident, he lodged a complaint against the persons who attacked him except the de facto complainant, and the same was registered as F.I.R.No.158 of 2016 by the Station House Officer, Saidabad, on 19.05.2016, for the offence punishable under Sections 326 and 506 read with 34 IPC and, on completion of investigation, charge sheet was also laid, which was taken cognizance by the VII-Additional Chief Metropolitan Magistrate in C.C.No.547 of 2016 and immediately on the very next day itself, the wife of the petitioner, who is the 2nd respondent herein, filed the present

complaint and the allegations levelled against the petitioner are vague and there is no material to substantiate the present complaint at this stage and, therefore, it is nothing but an abuse of process of law and sought to quash the F.I.R.

4. The averments mentioned in the present complaint would prima facie show that the petitioner herein misrepresented the de facto complainant that he was an MBA holder and doing business in United Kingdom, but, later it came to light, the petitioner is an illiterate and butcher by profession and earlier he married one Shahnaaz Fatima R/o.Toli Chowki earlier and presently residing in United Kingdom and certain allegations in regard to causing ill-treatment to her while staying at her in-laws' house have been mentioned in the present complaint. In view of these allegations certainly, it cannot be said that there is no prima facie material against the petitioner and these allegations require probe which can be done by way of investigation by the concerned agency. Therefore, there is no merit in the present case and it cannot be construed at this stage that the present complaint is in abuse of process of the Court.

5. Hence, the criminal petition is dismissed at the admission stage.

6. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

25th January 2017.

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