

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.905 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by the petitioners/Accused Nos.1 to 4 requesting to quash the proceedings in Crime No.249 of 2016 of Saroornagar WPS.

The petitioners, who are arraigned as Accused Nos.1 to 4 in the aforesaid crime, are no other than the husband, parents-in-law and brother-in-law of respondent No.2 - *de facto* complainant.

Heard Sri P.Bosu Babu, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana on behalf of respondent No.1.

Learned counsel for the petitioners would submit that, in fact, the *de facto* complainant has been maintaining extra-marital relations with one Mallaya Jeerla and she even threatened the petitioners that she would kill both her children, who are twins, and in that connection, petitioner No.1 filed a private complaint under Section 200 of Cr.P.C, which was referred to the concerned police, and the same is under investigation. Learned counsel would further submit that in that private complaint, the offences alleged against Accused No.1, who is the *de facto* complainant herein, are punishable under Sections 427, 323, 352, 383 and 506 IPC, whereas Accused Nos.2 to 4 therein were alleged

to have committed the offences punishable under Sections 384 and 506 IPC.

Both the crimes i.e., the present crime, which is registered on a police complaint lodged against the petitioners, and the crime registered on the private complaint lodged by petitioner No.1, are under investigation. At this stage, it cannot be said that the complaint lodged by the *de facto* complainant herein is vexatious and nothing but abuse of process of law resorted to by the *de facto* complainant. However, the fact that petitioner No.1 herein filed a private complaint and the same was also referred under Section 156 (3) of Cr.P.C to the concerned police, cannot be sidelined. It is, therefore, open to the petitioners herein to place the relevant material before the Investigating Officer in the present case so that he would arrive at just opinion while concluding the investigation and filing the report.

With the above observations, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in the present petition, stand closed.

JUSTICE A.SHANKAR NARAYANA

06.02.2017

v v