

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

CRIMINAL PETITION NO.3190 OF 2011

ORDER:

Heard the learned counsel for the petitioners, learned Public Prosecutor (AP) and the learned counsel for the 2nd respondent.

The present criminal petition is filed by the petitioners who are respondents 2 to 6 in DVC.32 of 2010, seeking to quash the proceedings initiated against them in DVC 32 of 2010 on the file of the II. Additional Chief Metropolitan Magistrate, Visakhapatnam.

Brief facts of the case are that the 2nd respondent herein and the 1st respondent in DVC.32 of 2010 fell in love. Subsequently, the 1st respondent suspected the character of the 2nd respondent and there was a quarrel between them. While so, on 5.1.2010, the 1st respondent tendered apology and proposed to marry the 2nd respondent herein. Therefore, on the same day, they went to Annavaram and on that night they had sexual intercourse. On the next day, i.e., on 6.1.2010, they performed "Satyanarayana Vratam" in the temple after marriage. Immediately thereafter, the 1st respondent left the 2nd respondent herein in Annavaram itself stating that to have sexual intercourse, he married the 2nd respondent, and went

away. Aggrieved by the same, the 2nd respondent filed a complaint on 9.1.2010 with the Station House Officer, P.M. Palem Police Station, Visakhapatnam and a crime has been registered vide FIR.No.10 of 2010 for the offences under sections 376 and 427 of IPC. In the said crime, investigation was completed, charge sheet was filed and the same is pending before the Mahila Court, Visakhapatnam vide S.C.No.130 of 2010. During the pendency of the said SC.130 of 2010, the 1st respondent sent a message to the 2nd respondent that he would allow her to his conjugal society if she pays dowry of Rs.5,00,000/-. It is also alleged in the complaint that 1st respondent made all arrangements to leave India for Dubai. Therefore, she filed a complaint vide DVC.32 of 2010 under sections 18, 20 and 22 of the Protection of Woman from Domestic Violence Act, 2005 wherein she has arrayed the petitioners herein as respondents 2 to 6. Aggrieved by the said initiation of proceedings in DVC.32 of 2010, the present criminal petition is filed.

Learned counsel for the petitioners would contend that no allegations are made against the petitioners herein. Apart from that, the petitioners have nothing to do with the state of affairs that took place between the 1st respondent in DVC.32 of 2010

and the 2nd respondent herein. Therefore, he sought to quash the proceedings.

Learned counsel for the 2nd respondent fairly conceded that no allegations are made against the petitioners herein and the proceedings initiated against them in DVC.32 of 2010 are not maintainable.

Having regard to the facts obtaining in this case, the criminal petition is allowed quashing the proceedings initiated against the petitioners herein in DVC.32 of 2010 on the file of the II. Additional Chief Metropolitan Magistrate, Visakhapatnam. However, the proceedings against the 1st respondent in DVC.32 of 2010 shall continue, and the Court below is directed to proceed with the case as expeditiously as possible.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P.KESHAVA RAO,J

Date:20.12.2017

KPM