

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1555 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in Calendar Case No.2364 of 2015 pending on the file of the IV-Additional Chief Metropolitan Magistrate, Vijayawada.

2. The petitioners herein are arraigned as accused Nos.2 and 3, who are mother-in-law and sister-in-law of the *de facto* complainant-2nd respondent herein. The petitioners alleged to have committed the offences punishable under Sections 498-A, 506 and 323 read with 34 of the Indian Penal Code, 1860 (IPC).

3. Heard, Sri Nimmagadda Satyanarayana, learned counsel for the petitioners.

4. The learned counsel has drawn the attention to the chief-affidavit of the *de facto* complainant, which is filed in H.M.O.P.No.226 of 2010 on the file of the Judge, Family Court, Guntur, wherein she expressed, besides the other averments that her junior paternal uncle insisted her to give a report under Section 498-A IPC and, though, she expressed her disinterest to her junior paternal uncle and aunt about the marriage and even after marriage they did not consider her request and she suffered a lot and she further asserts that she has no interest about her husband.

5. Strange question is when she filed her chief-affidavit, the complaint filed by her for the offences under Sections 498-A, 506 and 323 read with 34 IPC was already pending, which is at crime stage, and why the parties have not chosen to get the crime also closed by getting it referred to the Lok Adalat. Be that as it may, in case if a direction is given to the learned Magistrate, there is likelihood of the *de facto* complainant appearing before the Court and tender evidence, in which case the chief-affidavit can be confronted and that would be the only course available at this stage. Therefore, the learned Magistrate is directed to dispose of C.C.No.2364 of 2015 within three months from the date of receipt of a copy of this order.

6. With the above direction, the criminal petition is disposed of at the admission stage itself.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 28, 2017.

mar