

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No. 4606 of 2011

ORDER:

This petition is filed by the petitioners, who are the accused in DVC No.81 of 2011 (re-numbered as DVC No.101 of 2012), seeking for quash of proceedings in DVC No.101 of 2012 on the file of the Court of IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad, against all the accused.

2. Heard the counsel for the petitioners and the Public Prosecutor, who appears for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The counsel for the petitioners informs this Court that the Presenting Officer filed report against 1st and 2nd petitioners/A1 and A2 and did not file any report against 3rd and 4th petitioners/A3 and A4. Hence, the cause in this petition with regard to 3rd and 4th petitioners/A3 and A4 does not survive. He also reports that this Court granted stay of further proceedings only in respect of 2nd to 4th petitioners/A2 to A4 and that the trial went on in respect of 1st petitioner/A1 and that the court below granted the reliefs, which were sought for, against 1st petitioner/A1.

4. A perusal of the complaint would show that though several allegations are made against all the petitioners herein, the relief sought for is only a protection order from her husband and in-laws and also monthly maintenance to her and her children and a Residential Order, apart from compensation. The court

below partly allowed the petition granting Rs.15,000/- and Rs.5,000/- as maintenance respectively to the 1st respondent and her sons therein apart from, directing the 1st petitioner/ 1st respondent therein to meet the educational expenses of his two sons viz., Aswin Kumar and Aujaswi Kumar.

5. Hence, even if the proceedings against the 2nd petitioner are permitted to go on, the reliefs that have to be granted would not be more than what was granted by the court below as the allegations made against the 2nd petitioner and the 1st petitioner are one and the same. Hence, after due trial, when the Court below chooses to grant the reliefs, as granted by it, it cannot go beyond that, even if the 2nd petitioner is permitted to face trial. Hence, this court opines that it would be a sheer abuse of process of law in allowing the proceedings to go on as against the 2nd petitioner.

In the light of the above observations, the Criminal petition is allowed and the further proceedings in DVC.No.101 of 2012 (old DVC No.81 of 2011) on the file of the Court of the IV Metropolitan Magistrate (Traffic Mobile Court), Hyderabad as against 2nd petitioner are hereby quashed. The Criminal Petition insofar as 1st, 3rd and 4th petitioners are concerned, is dismissed as infructuous.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

November 13, 2017
LMV