

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.6770 of 2011

ORDER:

This criminal petition is filed under Section 482 of the Criminal Procedure Code to quash the proceedings in D.V.C.No.12 of 2011 on the file of the VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District, registered for the offence punishable under Section 12 of the Domestic Violence Act.

2. The petitioner is the husband and the second respondent – *de facto* complainant is his wife. The case of the prosecution, in brief, is that the petitioner and the second respondent fell in love and their marriage was held in the year 1997 at Arya Samaj. Due to their wedlock, they were blessed with one daughter and one son. They lived happily for some years. During the last four years, the petitioner has been harassing the second respondent physically and mentally. Earlier also, as there were some disputes between them, the second respondent filed a case against the petitioner under Section 498-A IPC. The petitioner convinced the second respondent to withdraw the said case. Later both of them went to Women Police Station for counseling. Thereafter, the petitioner increased harassment towards the second respondent. The petitioner used to beat the second respondent before her friends and relatives. When the petitioner threatened the second respondent to kill her, she filed a case in Crime No.102/2010 on 16.09.2010 on the file of the Women Police Station, Cyberabad under Section 498-A IPC. The petitioner also filed O.P.No.954 of 2010 on the file of the Family Court, Ranga Reddy District at

L.B.Nagar against the second respondent seeking divorce. The petitioner also harassed the second respondent for transferring the immovable property in his name. In the above circumstances, the second respondent filed the above DVC. The second respondent filed five cases against the petitioner and the petitioner filed two cases against the second respondent and all the cases are pending in various Courts and authorities.

3. As seen from the record, the petitioner and second respondent are staying separate and filed cases and counter cases against each other and the said are pending in different Courts. Specific allegations were made against the petitioner in the Domestic Violence Case. Truth or otherwise of the allegations can only be decided during the course of trial. I see no grounds to interdict the trial of the case at this stage.

4. For the reasons stated above, the Criminal Petition is dismissed. However, the petitioner is at liberty to pursue his remedies before appropriate forum as per law.

T.AMARNATH GOUD

Date: 27-10-2017

Shr.