

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1345 OF 2017

ORDER:

The petitioner herein, who is arraigned as sole accused in Crime No.21 of 2017 of Saroornagar Women Police Station, Rachakonda, requests to quash the First Information Report in the said Crime under Section 482 of the Code of Criminal Procedure, 1973.

2. The petitioner alleged to have committed the offence punishable under Section 498A IPC.

3. Sri T. Surya Satish, learned counsel for the petitioner, would submit that respondent No.2 herein has no *locus* to file such a complaint, as even according to the complaint, it is her third marriage with the petitioner and she has not filed any documents showing that her first husband's death had occurred earlier and, thereafter, she married and her second husband died and, thereafter, married the petitioner herein. Even otherwise, the marriage has to be construed as void under law and, therefore, to quash the proceedings in the aforesaid crime.

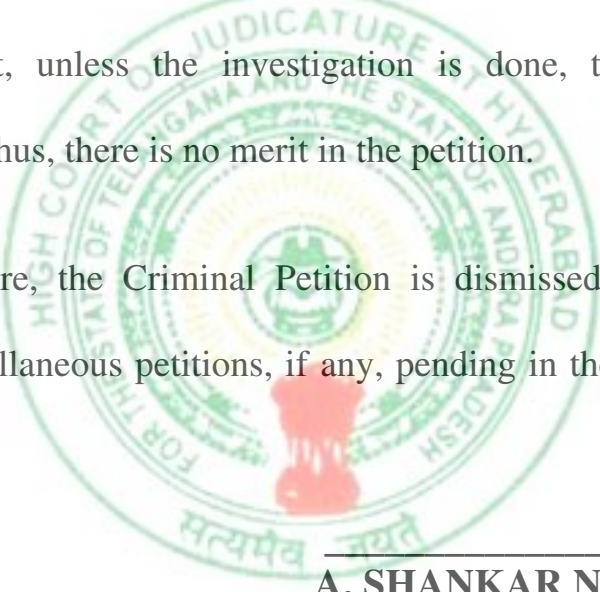
4. The learned Additional Public Prosecutor for the State of Telangana, would draw the attention to the complaint averments and, thus, resisted the request.

5. The complaint averments are to the effect that the *de facto* complainant originally was married to one B. Surender Kumar on 02.06.2004 and through him she has begotten a male child and, thereafter, in the month of June, 2005, divorce was effected between them. Subsequently, in the month of May, 2011, she was married to one T.K. Praveen Kumar by the elders in a temple, but he was suffering from health problem and having learnt the same, she was keeping herself away from him and in the month of December, he died. Thereafter, the petitioner herein working as Cashier in State Bank of India, got conveyed through his staff members that he would marry the *de facto* complainant, to which, she agreed, and on 18.04.2013, their marriage was performed in Saibaba Temple at Uppal, by which time, she was residing at Mallapur with her child as a tenant, and on 26.07.2013, she took a house on rent at Gandhar 17/104, Sahara Estates and since then their marital life went on happily. On 28th October, she met with an accident, she complained the same to the petitioner, but he was not taking her to the hospital. On 16.1.2017, there was a settlement between them and a document was written, wherein the petitioner admitting about taking place of their marriage on 18.04.2013, promised to take care of the welfare of the children till the marriages are over, and, thereafter, he would reside with her throughout and from the elders mediation, he took her and dropped at her house and he went to his brother's house and, thereafter, he did not turn up till 27th January, and that a message was

sent to her that he was found missing and even a notice was received by her from the Court. On 17.01.2017, when she approached Sri A. Suresh, brother of her husband, to enquire about her husband, he along with his wife - Neelima beat her seriously and got written in the notice that her first husband died in the accident, second husband died due to liver problem and the house at Mallapur belonging to her was taken possession by the creditors.

6. When kept in view, the aforesaid allegations finding place in the complaint, unless the investigation is done, truth cannot be unravelled. Thus, there is no merit in the petition.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 28, 2017.

Mgr