

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE TWENTY EIGHTH DAY DECEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 4022 OF 2013

Between:

Vikas Jain

... Petitioner/A-1

V/s.

The State of Andhra Pradesh
Represented by the Public Prosecutor
High Court of Judicature for the State of
Telangana & Andhra Pradesh,
Through Station House Officer,
Women Police Station, CCS
Hyderabad,
Hyderabad district & Anr.

... Respondents/complainant

Counsel for the Petitioner :

Smt. K. Sesharajyam

Counsel for the Respondents :

Public Prosecutor [AP] for R-1
Smt.D.Sangeetha Reddy for R-2

The court made the following:

[order follows]

SMT. JUSTICE T. RAJANI**CRIMINAL PETITION NO. 4022 OF 2013****ORDER :**

This Criminal Petition is filed by the petitioner/A-1 under section 482 of Cr.P.C., seeking for quashment of the proceedings in C.C.No. 419 of 2005 on the file of the Court of XIII-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under section 406 and 498-A of I.P.C.

2. The case is filed against this petitioner alleging that this petitioner and others committed breach of trust and are harassing the defacto complainant. The offences alleged are under section 406 and 498-A of IPC. This petitioner is the 'husband' of the defacto complainant.

3. The counsel for the petitioner/A-1 submits that the proceedings against A-3 were quashed by this Court and the proceedings against A-2 are quashed by the Hon'ble Supreme Court in Criminal Appeal No. 1667 of 2009, vide orders dated 08/05/2014.

4. On a perusal of the orders dated 08/05/2014 passed by the Hon'ble Supreme Court in Criminal Appeal No. 1667 of 2009, it transpires that a memorandum of understanding was executed in writing between this petitioner/A-1 (husband) and his wife, Smt. Deepali Goel, whereby both had settled their disputes. It was also observed by the Hon'ble Supreme Court that a decree of divorce had already been passed by the District Court, 199th Judicial District, Collin County, Texas, U.S.A., and they have been living separately for the last eight years.

5. Hence, the basis for quashment of the Proceedings against A-2 is the memorandum of understanding, which was executed in writing between the petitioner/A-1 and his wife and a decree of divorce passed by the District Court, 199th Judicial District, Collin County, Texas, U.S.A. The same would become the basis for quash of the Criminal Proceedings *qua* the petitioner/A-1 also.

5. In the result, this Criminal Petition is allowed and the Criminal Proceedings against the petitioner/A-1 are quashed in C.C.No. 419 of

2005 on the file of the Court of XIII-Additional Chief Metropolitan Magistrate, Hyderabad.

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE T. RAJANI.



28/12/2017
I s L

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 4022 OF 2013

[ALLOWED]



Date: 28/12/2017

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