

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.12366 OF 2011

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-3 seeking to quash the proceedings in C.C. No.205 of 2011, pending on the file of the Court of III Additional Chief Metropolitan Magistrate at Nampally, Hyderabad (for short, 'the trial Court'), registered for the offence punishable under Section 500 of I.P.C.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of Sri T.Natraj, learned counsel, appearing on behalf of the 2nd respondent – *de-facto* complainant.

3. Learned counsel for the petitioners submits that the allegations in the complaint are that the petitioners abused the complainant stating that he is related with Vietnamese lady and that they are spreading the said rumor among the relatives. Learned counsel further submits that a defamation suit in O.S. No.112 of 2010, filed by the complainant against the petitioners, on the file of II Additional Chief Judge, City Civil Court at Hyderabad, stands dismissed for default on 27.04.2015.

4. Learned counsel for the petitioners submits that the offence, according to the complainant, took place at Chennai, while the complaint is filed at Hyderabad. Apart from the above, the contents of the complaint show that such allegations are made in order to break the complainant's peaceful relationship with his wife and ultimately take custody of his children.

5. Thus, it is clear that the said allegations are not made with an intention to defame the complainant but are made in order to break his relationship with his wife and take custody of his children. Moreover, the allegations seem to have been made only over phone.

6. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioners would result in sheer abuse of process of law.

7. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioners/A-1 to A-3 in C.C. No.205 of 2011, pending on the file of the Court of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are hereby quashed.

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

Date: 12.10.2018.
Dsh

T.RAJANI, J



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Date. 12.10.2018

DSH