

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.865 OF 2018

ORDER:

This petition is filed by the petitioners-A1 and A2 under Section 482 Cr.P.C. to quash the proceedings in C.C.No.759 of 2016 on the file of the XI Metropolitan Magistrate, Cyberabad.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners would submit that the F.I.R. in this case was lodged with a delay of more than one month. The de facto complainant-2nd respondent filed a petition against the petitioner-A1 for dissolution of marriage. All the allegations levelled in the charge sheet are absolutely false. No such incident took place and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the petition.

5. The material on record reveals that on 11.06.2016 at 17.15 hours, the S.H.O. Saroornagar P.S. received complaint from the trial Court vide Lr.Dis.No.471/2016, dated 27.04.2016, submitted by P.Naveen Kumar (2nd respondent), wherein it is mentioned about the marriage between the de facto complainant and the petitioner-A1 and also about their matrimonial affairs. It is also mentioned in the said complaint that on 10.03.2016 when the de facto complainant along with his brother was going to Saibaba temple at Saroornagar, the petitioners-A1 and A2 and two

unknown persons stopped and beat them. The passers by rescued the de facto complainant near the temple. Thereafter, the de facto complainant along with his brother escaped from the scene of offence. There are also witnesses to the alleged beatings. Whether the delay is fatal or not or whether the petitioners are innocent persons is required to be determined after due trial. The petitioner-A1 is having a small baby cannot be a ground to quash the proceedings. Therefore, continuation of proceedings would not be an abuse of process of law.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DATED: 30-01-2018.
Hsd

DR.SHAMEEM AKTHER, J

