

SMT JUSTICE T.RAJANI
CRIMINAL PETITION No.1553 OF 2018

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/Respondents 2 to 4 seeking to quash the proceedings in D.V.C. No.4 of 2012, pending on the file of the Court of IV Additional Chief Metropolitan Magistrate at Visakhapatnam (for short, 'the trial Court'), registered for the offences punishable under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act of 2005').

2. Heard learned counsel for the petitioners, learned counsel for the respondents 1 to 3, and learned Public Prosecutor, appearing for the 4th respondent – State.

3. Learned counsel for the petitioners submits that Petitioners 1 and 2 are parents-in-law, and the 3rd petitioner is alleged to be the concubine of the husband of 1st respondent herein and that the petitioners are residing separately.

4. Even as per the address reflected in the complaint filed by the 1st respondent – de-facto complainant, petitioners 1 and 2 are residing separately and the 3rd petitioner is also residing separately but in the same City.

5. Learned counsel for the 1st respondent – de-facto complainant submits the allegation against the 3rd petitioner herein is that the husband of 1st respondent herein is having illicit relationship with her and that she is the concubine of the husband of the 1st respondent, and hence no case under the Act of 2005 can be maintained against her and no relief can be sought against her and, hence, proceedings against the 3rd petitioner herein have to be quashed.

6. A perusal of the complaint shows that all the allegations are made only against the 1st respondent in D.V.C. No.4 of 2012, who is the husband of the de-facto complainant. Except the stray allegation against the 3rd petitioner herein

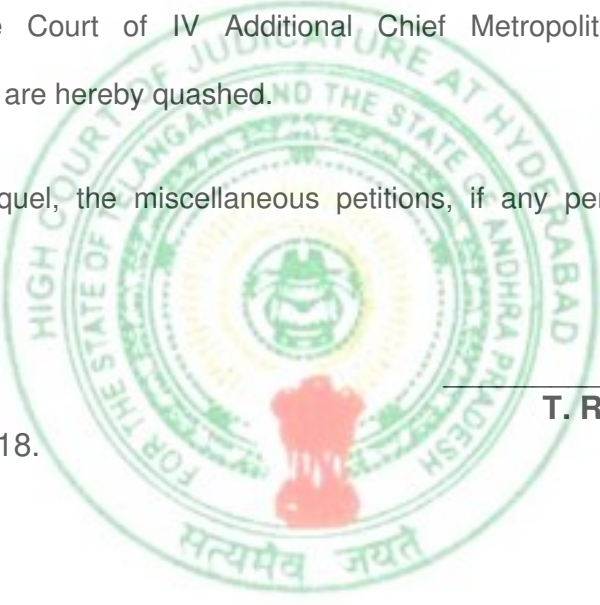
that she was also residing in the shared house of the 1st petitioner and 1st respondent and that both of them threatened the 1st respondent – de-facto complainant to withdraw the case pending on the file of the Judge, Family Court at Visakhapatnam, there are no specific allegations against the petitioners and no reliefs are claimed against these petitioners.

7. Hence, in view of the above, this Court opines that continuation of further proceedings against the Petitioners/Respondents 2 to 4 would result in sheer abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioners/Respondents 2 to 4 in D.V.C. No.4 of 2012, pending on the file of the Court of IV Additional Chief Metropolitan Magistrate at Visakhapatnam, are hereby quashed.

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

Date: 13.12.2018.
Dsh



T. RAJANI, J

SMT JUSTICE T.RAJANI**179****21122018****CRIMINAL PETITION No.1553 OF 2013**

Date. 13.12.2018

DSH