

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.11447 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/Accused No.1 seeking to quash the proceedings in C.C. No.360 of 2011, pending on the file of the Court of XIII Additional Chief Metropolitan Magistrate (Mahila Court) at Hyderabad, registered for the offence punishable under Section 498-A I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of the 2nd respondent/de-facto complainant, in spite of service of notice.

3. Learned counsel for the petitioner submits that, though several allegations were made in the complaint, the dates pertaining to the harassment of 2nd respondent/de-facto complainant herein were not mentioned. He further submits that the Criminal Petition filed by the other accused, seeking to quash the proceedings against them, was allowed by this Court.

4. But, in the considered opinion of this Court, merely because the specific dates of harassment are not mentioned, the petitioner is not entitled for quashment of proceedings against him. The complaint shows that, from the beginning, the 2nd respondent has been facing harassment in the hands of the petitioner. The submission of learned counsel for the petitioner that, the divorce petition filed by the 2nd respondent herein was decreed after considering the counter-claim of the petitioner herein, that he also does not have the objection for divorce, does not prove anything and does not counter the allegations made in this Petition, more particularly, when the ground on which the divorce sought by the 2nd respondent is cruelty.

5. Hence, considering the above, this Court opines that this is not a fit case to quash the proceedings against the petitioner.

6. At this stage, learned counsel requests the Court to dispense with the presence of the petitioner.

7. In view of the above, this Court considers that the presence of the petitioner before the trial Court may not be insisted upon unless it is required for the proceedings of the case. However, the trial Court can direct the petitioner to be present on those dates of the proceedings in which his presence is required.

8. In the light of the above, the Criminal Petition is dismissed.

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

Date: 26.12.2018.
Dsh

T. RAJANI, J



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Date. 26.12.2018

DSH