

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1646 of 2013

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioners, who are respondents 1 to 3, in D.V.C.No.18 of 2010 pending on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam.

2. Heard the counsel for the petitioners and the Public Prosecutor, appearing for the 2nd respondent. None appears for the 1st respondent in spite of notice.

3. The counsel for the petitioners submits that the proceedings against the other respondents were quashed by this court, by virtue of the common order, dated 10.10.2012, in CrI.P.Nos.6849, 6453 and 6590 of 2010.

4. A perusal of the said order would support the submission made by the petitioners' counsel, that a divorce was obtained by the 1st petitioner on the ground of cruelty. In the aforesaid order, this court observed that the first accused, who is the 1st respondent, obtained divorce from the complainant on the ground of cruelty and that though the said finding is not binding, it would be an important piece of evidence, which can be taken into consideration. It was also observed that the complainant has initiated criminal proceedings for the offence under Section 498A IPC with the same allegations.

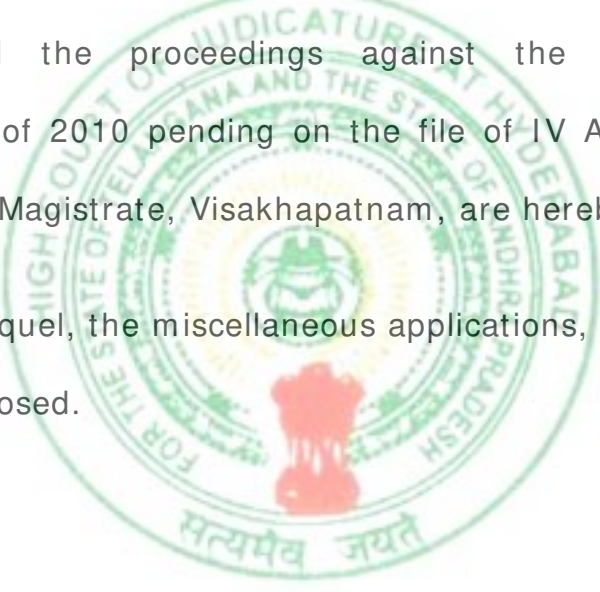
5. Hence, in view of the aforesaid observations of this court and the fact that the divorce was granted on the basis of cruelty and also considering the fact that the proceedings against the other petitioners are quashed, this court opines that the allegations made against these petitioners are also false.

6. In view of the above, this court opines that continuation of further proceedings against the petitioners in the aforesaid case would only result in abuse of process of law.

7. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners in D.V.C.No.18 of 2010 pending on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam, are hereby quashed.

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

August 14, 2018
LMV


T. RAJANI, J