

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2552 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.1, seeking to quash the proceedings against him in C.C.No.1109 of 2017 pending on the file of XXIV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, which is registered for the offences under Sections 498-A and 420 I.P.C.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the *de facto* complainant is not at all the legally wedded wife of the petitioner and her marriage with one Hari is subsisting. The petitioner has filed copies of the Marriage Certificate and Aadhaar Card of the *de facto* complainant to substantiate the same and ultimately, prayed to quash the proceedings.

4. As per the First Information Report lodged with the police on 20.08.2017, the *de facto* complainant submitted that her first marriage was solemnized with Hari and she begot two children through him i.e., Keerthana, aged about 9 years and Prasanna, aged about 7 years. There was a quarrel between her and her husband and she took divorce from him in the year 2014. Thereafter, she started residing at her mother's house and looking after her children. During that period, her aunt V.Mangamma brought one marriage proposal to the *de facto* complainant and the

marriage was celebrated with the petitioner at Bhadrachalam. Thereafter, it is submitted that the petitioner-A.1 (Saida) continuously harassed her mentally and physically. It is also submitted that she was cheated by her aunt Mangamma as well as the petitioner stating that the petitioner has already divorced to his first wife. On the basis of this report, the investigation is conducted and charged sheet is filed. There is a contention that there was already a divorce between the *de facto* complainant and her former husband. Thereafter, she married and there is no subsistence of her first marriage on the date of her marriage with the petitioner. There is also an allegation against the petitioner that without there being divorce to his first wife, he married the *de facto* complainant. The truth or otherwise of the allegations will only be established after due enquiry/trial of the case. Merely because the *de facto* complainant married one person before her marriage with petitioner/accused No.1 would not be sufficient to quash the proceedings against the petitioner-A.1. The petition is devoid of merits and it is liable to be dismissed.

5. In the result, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 06.03.2018
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