

**THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION No.2654 OF 2018**

**ORDER:**

Heard learned counsel for the petitioner/A.2, learned Assistant Public Prosecutor for 1<sup>st</sup> respondent-State and perused the record.

2. This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.817 of 2017, Chandanagar Police Station, Cyberabad, Ranga Reddy District registered for the offences under Sections 498-A and 494 IPC.

3. Learned counsel for the petitioner/A.2 would submit that the petitioner/A.2 has no relationship with A.1 in this case. He relied on the decisions reported in Sunitha Jha v. State of Jharkhand and another (CrI.P.No.1745 of 2010 dated 13.09.2010) and Babita Sumanprakash soni v. State of Gujarat (CrI.M.A.No.7344 of 2014 dated 04.12.2014)

4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioner/A.2.

5. As per the FIR lodged before the police on 15.11.2017, the de facto complainant lodged report with the police alleging that she married A.1 and it is a love marriage. They have two children, who are aged 16 and 11 years. They lived happily for sometime. Thereafter, A.1 started harassing the de facto complainant mentally and physically stating that he committed mistake in marrying the de facto complainant and informed the same to his relatives. A.1 used to collect the earnings made by the de facto complainant forcibly. In spite of the negotiations, there was no change in the attitude of A.1. Six months prior to the lodging of

report to the police, A.1 stopped coming to her house. The de facto complainant came to know that A.1 married Amala Maidam (A.2). A.1 is not entitled to perform the second marriage with petitioner/A.2 during the life time of the de facto complainant. On the basis of the said allegations, FIR was registered and it is under investigation. The truth or otherwise would come to light in investigation. At this stage, it is not appropriate to hold that the petitioner/A.2 is innocent and continuation of proceedings is abuse of process of law. The decisions reported (supra) by the learned counsel for the petitioner are not applicable to the present facts of this case. The petition is devoid of merit and is liable to be dismissed.

6. In the result, the Criminal Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

5<sup>th</sup> March, 2018.  
ssp

**Dr. SHAMEEM AKTHER, J**

