

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.2969 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/A.1, A.3 and A.5 seeking to quash the proceedings against them in Crime No.39/2018 of Eluru I Town L &O P.S, West Godavari District, registered for the offences under Sections 417, 420, 506 r/w 34 IPC.

2) The *defacto* complainant is the wife of A.1. The complaint allegations briefly are that A.1 having taken divorce, did not provide any financial security and married another lady about two years back and living with her and the other accused are also threatening her. The investigation is reported to be pending.

3) The submission of learned counsel for petitioners is that the *defacto* complainant and A.1 have already obtained divorce from this Court vide order dated 20.06.2017 in FCA Nos.131 and 132 of 2011 and as per the Memorandum of Understanding entered by them, all the terms of the compromise were already fulfilled and therefore, the allegations in the complaint are all false.

4) Be that as it may, the investigation is at the nascent stage and therefore, it is not apt to stifle the investigation by allowing this petition. Hence investigation shall go on. However, having regard to the nature of the offences alleged, the Investigating Officer shall strictly follow the procedure contemplated under Section 41-A Cr.P.C in respect of the

petitioners/A.1, A.3 and A.5 and the petitioners are directed to cooperate with the investigating agency for smooth completion of investigation. Further, if the petitioner/A.1 proposes to visit abroad, he shall obtain prior permission from the concerned Court.

5) Accordingly, this Criminal Petition is disposed of.

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

Date: 21.03.2018
scs

U.DURGA PRASAD RAO, J

