

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10730 of 2013

ORDER:

This criminal petition is filed for quash of the proceedings in C.C.No.363 of 2011, against the petitioner, who is A1, on the file of the Special Mobile Judicial First Class Magistrate, Kakinada. The offences alleged are under Sections 498-A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The report contains several allegations against this petitioner, which are that after marriage the petitioner did not come near the second respondent and did not take care of her and later she joined him at Australia on the pressure mounted by A3 and in Australia, she found that the petitioner was moving closely with one Chinese girl and that he also expressed that he want to give divorce to her. There is a vague allegation made that the petitioner also demanded additional dowry. But from the manner in which the complaint is made, it can be understood that the grievance is that the petitioner was not moving with the second respondent and that he had relations with another woman even prior to the marriage. Though she states that the petitioner harassed her, specific instances of harassment are not stated. It is only states that the petitioner was not interested in moving with her.

4. Apart from the above, the counsel for the petitioner submits that the second respondent, after filing this complaint, obtained divorce by virtue of orders in OP.No.99 of 2012 dated 19.07.2012 passed by the III Additional Senior Civil Judge, Kakinada and that she also got married.

5. Hence, considering the above facts, this Court opines that continuation of further proceedings against the petitioner for the alleged offences would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in C.C.No.363 of 2011, against the petitioner, who is A1, on the file of the Special Mobile Judicial First Class Magistrate, Kakinada, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 25, 2018
DSK

T. RAJANI, J

