

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2306 of 2013

ORDER:

This petition is filed, by the petitioner, who is A1, seeking for quash of the proceedings in C.C.No.554 of 2011 on the file of IX Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The offences alleged are under Sections 420, 406 and 500 IPC.

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

3. The 1st respondent is the former husband of the petitioner, who is figured as A1, and during his stay at Saudi Arabia, he sent amounts to the petitioner for a house being constructed in the land, which was bought by his father. Thereby, the petitioner deceived the 1st respondent and misused the amount sent by the 1st respondent and obtained divorce from the city civil court.

4. The counsel for the petitioner submits that a suit was filed by the 1st respondent in O.S.No.167 of 1991 before the Court of V Additional Senior Civil Judge, City Civil Court, Hyderabad, and the same was decreed on merits against which, the petitioner went in appeal raising the point of limitation before this court and this court has remitted the matter for fresh consideration on the point of limitation. The lower court, after considering the

aspect of limitation again, dismissed the suit viz., O.S.No.167 of 1991, by virtue of the judgment, dated 23.12.2003. That being the position of the suit, which was filed by the 1st respondent, the counsel for the petitioner submits that the complaint is absolutely barred by limitation. He relies on Section 468(2)(c) CrPC, wherein the limitation prescribed for the offence punishable with an imprisonment for a term exceeding one year but not exceeding three years, is only 3 years. Hence, it is obvious that construed from the date of suit itself this complaint is barred by limitation. In view of the above, this court opines that the further proceedings would only result in abuse of process of law.

6. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioner, who is A1, seeking for quash of the proceedings in C.C.No.554 of 2011 on the file of IX Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are hereby quashed.

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

T. RAJANI, J

September 4, 2018
LMV