

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8675 OF 2013

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the petitioner/accused seeking to quash the proceedings in P.R.C. No.12 of 2013, pending on the file of the Court of II Additional Judicial First Class Magistrate, Eluru, West Godavari District (for short, 'the trial Court'), registered for the offences punishable under Sections 509 and 506 of I.P.C. and Section 3(1)(x) of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989').

2. Heard learned counsel for the petitioner and the learned Public Prosecutor, appearing for the 1st respondent - State. None appears for the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The allegations in the complaint are that the petitioner, who is the husband of the complainant, sent her to Dubai and cheated her by taking away the money that she earned at Dubai and, later, when he tried to sell her to a brothel house in Malaysia, with the help of Superintendent of Police, West Godavari District, she returned from Malaysia to India and lodged a report in Crime No.93 of 2012 on the file of Women Police Station, Eluru, for the offences under Sections 498-A and 417 of I.P.C. But the petitioner, after obtaining anticipatory bail in the said Crime, on 21.12.2012, abused her in the name of her caste and also engaged some one, who called the complainant on her phone, and made them abuse her in a filthy language. Subsequently, the complainant lodged a report in Crime No.281 of 2012 for the offences under Sections 509 and 506 R/w.34 of I.P.C. and Section 3(1)(x) of the of the Act of 1989.

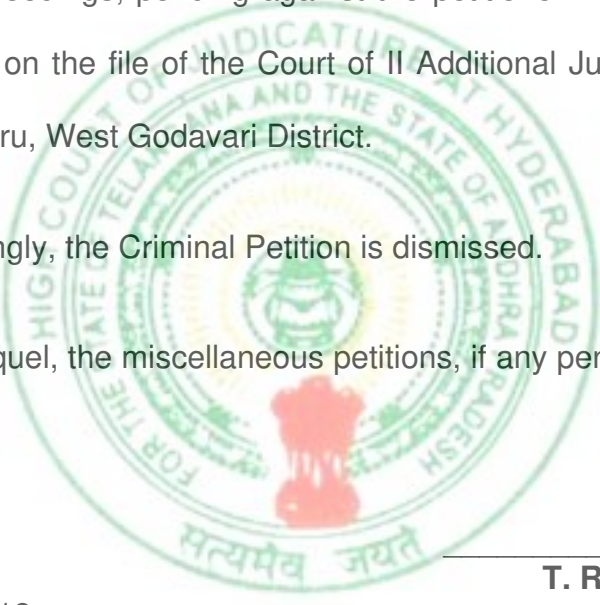
4. Learned counsel for the petitioner now submits that the complainant is not the wife of the petitioner and that she married another person prior to her alleged marriage with this petitioner and that the said marriage is still subsisting.

5. But, the said contention does not help the petitioner in getting exonerated from the alleged offences. In spite of there being no marriage between the petitioner and the complainant, it is possible for the petitioner to commit the said offences. Hence, *prima-facie*, there appears to be some material against the petitioner. Hence, this Court is not inclined to quash the proceedings, pending against the petitioner in P.R.C. No.12 of 2013, pending on the file of the Court of II Additional Judicial First Class Magistrate, Eluru, West Godavari District.

6. Accordingly, the Criminal Petition is dismissed.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

Date: 26.09.2018.
Dsh



T. RAJANI, J

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Date. 26.09.2018

DSH