

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3536 of 2013

ORDER:

This petition is filed, by the petitioners, who are the respondents in the DVC, seeking for quash of the proceedings in DVC No.32 of 2013 on the file of the court of III Metropolitan Magistrate, Traffic Mobile Court, Hyderabad.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent as well as the counsel appearing for the 2nd respondent.

3. The counsel for the petitioners submits that petitioners are no way concerned with the affairs of the family of the 2nd respondent and her husband A1. With regard to the 1st petitioner, who is the sister in law of the 2nd respondent, the counsel submits that she is residing separately and she was married long back. In proof of her marriage, the counsel files a marriage card of the 1st petitioner, which was performed on 01.05.1987. He also submits the copy of the electricity bill which shows that 1st petitioner has been residing separately and also the certificate of registration pertaining to a vehicle showing her residence elsewhere. The counsel also submits that the petition was dismissed against the 3rd respondent in the DVC, considering that she was residing in US.

4. The counsel for the 2nd respondent submits that her sister-in-law was divorced and that she is residing along with her mother i.e., the mother-in-law and the husband of the 2nd respondent. But the voters' list which he files does not show the date on which it was prepared. Hence, the contention of the counsel for the petitioners that the voters' list cannot be taken as a proof of residence of the 1st petitioner since it might have been prepared at the age of 18 of the 1st petitioner, gets support.

5. Hence, in view of the above, this court opines that the proceedings insofar as 1st petitioner are concerned, are liable to be quashed.

6. But the petitioners' counsel does not deny the fact that the 2nd petitioner resided along with the 2nd respondent and her husband. Hence, the 2nd petitioner would be a person, who can be categorised as having domestic relationship with the 2nd respondent.

7. In view of the above, this court opines that it is not safe to quash the proceedings against the 2nd petitioner. However, the plea of the petitioners' counsel that the presence of the 2nd petitioner may be dispensed with as she being an old aged woman, can be considered and the Court below is directed not to insist upon the presence of the 2nd petitioner unless it is necessary for the proceedings of the case.

8. With the above observations, the Criminal Petition is partly allowed and the proceedings against the 1st petitioner in DVC No.32 of 2013 on the file of the court of III Metropolitan Magistrate, Traffic Mobile Court, Hyderabad, are hereby quashed. The Criminal Petition is dismissed as against the 2nd petitioner.

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

September 4, 2018
LMV
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T. RAJANI, J