

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12866 of 2013

ORDER:

This petition is filed, by the petitioners/A1 to A5, seeking for quash of the proceedings against them in C.C.No.1083 of 2012 on the file of the court of Additional Judicial Magistrate of First Class, Medak at Sanga Reddy, (re-numbered as C.C.No.361 of 2016 on the file of the Court of Special Judicial Magistrate of First Class for Prohibition and Excise at Sangareddy).

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

3. The case of the complainant is that the petitioners harassed her, but the counsel for the petitioners submits that there are several subsequent events that took place in FCOP No.1 of 2015, which is filed by the 1st petitioner seeking for divorce. There was a compromise between the parties and the divorce petition viz., FCOP No.1 of 2015 was dismissed as not pressed, recording the said fact. Copy of the order is also filed before the court, which shows that both the parties were present before the said court representing that they are living together and they have not pressed the petition.

4. In this petition, the 2nd respondent did not appear in spite of the notice being sent to her. The notice was returned as not claimed, which amounts to deemed service.

5. The proceedings of the Chairman of the Lok Adalat in Criminal Petition No. 9712 of 2016, dated 10.02.2018, were also filed, which shows that the parties and their counsel were present and reported that the matter may be dismissed as the parties have amicably settled the matter. However, since the wife sought time to withdraw the criminal case in C.C.No.1083 of 2012, the matter was posted to next Lok Adalat for recording compromise. Thereafter also, since the wife sought time twice for recording the compromise, the matter was referred back to this Court.

6. Hence, in view of the subsequent events that took place in FCOP No. 1 of 2015 and as the 2nd respondent herself admitted before the Lok Adalat that the dispute was resolved and she has been living with her husband, this court opines that continuation of further proceedings against the petitioners would only result in abuse of process of law.

8. With the above observations, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.1083 of 2012 on the file of the court of Additional Judicial Magistrate of First Class, Medak at Sanga Reddy, (re-numbered as C.C.No.361 of 2016 on the file of the Court of Special Judicial

Magistrate of First Class for Prohibition and Excise at Sangareddy), are hereby quashed.

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

T. RAJANI, J

September 18, 2018
LMV

