THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.8391 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in Cr.No.228 of 2018 of Nacharam Police Station, Rachakonda Commissionerate, Ranga Reddy District, registered for the offences punishable under Sections 354, 354D and 506 IPC, against the petitioner/accused.

2. The second respondent-de-facto complainant lodged a written report alleging as follows:

> "The de-facto complainant got married with A. Bhushnam and blessed with two children and that after expiry of her husband due to ill health, the accused being a relative of her husband came to Hyderabad for medical treatment and stayed at their house and at that time, he behaved close to them. Thereafter, he started harassing her to marry him and one day he came to her house and tried to misbehave with her and when she shouted, he ran away. After the said incident, the accused was showing the photographs, which were taken when he was staying at her house, to every one saying that they both married and that herself and her family members have killed her husband as he has many illegal relationships. The accused was also threatening her that he will kidnap her children and kill them if she did not fulfill his desire of physical relation. He was posting the letters to the police station stating that she is characterless and that he was asking the teachers of the school where her children studied previously to enquire about the present school address. He was continuously following her and threatening her with dire consequences. Recently, he sent a legal notice that she has taken hand loan of Rs.6 lakhs from his mother and she sent a reply to the said notice".

3. The major contention raised by petitioner before this Court is that the second respondent is his wife and therefore, the question of commission of offences punishable under Sections 354 and 354 D IPC by the husband against the wife does not arise and that the

other allegation that he was threatening her with dire consequences is an after thought and a false case is foisted against him after receiving summons in O.P.No.34 of 2018 on the file of Senior Civil Judge, Huzurnagar, filed by him under Section 9 of Hindu Marriage Act, 1955 and therefore, continuation of proceedings against him is an abuse of process of the Court and requested to quash the proceedings against him.

4. As seen from the material on record, the relationship between the petitioner and the second respondent is husband and wife and the offences under Sections 354 and 354D IPC allegedly committed by petitioner are outraging modesty of a woman and stalking of a woman. To substantiate the contention that there is subsisting relationship between him and the second respondent, the petitioner produced the marriage certificate issued by the Executive Officer, Kothagattu, and a copy of the docket order in O.P.No.34 of 2018. These two documents clinchingly establish that the relationship between the petitioner and the second respondent is husband and wife. When the relationship between the petitioner and the second respondent is subsisting, the question of subjecting her to sexual harassment or stalking does not arise in normal course of events. Whereas the other allegation made in the complaint is that the petitioner threatened the de-facto complainant with dire consequences, which falls under the definition of criminal intimidation under Section 503 IPC punishable under Section 506 IPC.

5. In view of the above, I find no ground to proceed against the petitioner for the offences punishable under Sections 354 and 354 D IPC while finding *prima facie* material to proceed against him for the offence under Section 506 IPC.

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6. Therefore, the proceedings in Cr.No.228 of 2018 of Nacharam Police Station, Rachakonda Commissionerate, Ranga Reddy District, for the offences under Sections 354 and 354 D IPC are hereby quashed against the petitioner while permitting the Station House Officer, Nacharam Police Station, Rachakonda District, to proceed against the petitioner for the offence punishable under Section 506 IPC.

7. Accordingly, the Criminal Petition is allowed in part. Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

9th August, 2018

sj