

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.3118 OF 2013

ORDER:

This petition is filed by the petitioner, who is the accused, seeking to quash the proceedings in S.C.No.412 of 2009 on the file of the court of II Metropolitan Sessions Judge, Hyderabad. The offences alleged are under Sections 498A and 307 IPC.

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

3. The counsel for the petitioner submits that subsequent to the filing of this complaint, a divorce petition was filed by the petitioner and the same was dismissed and questioning the same, an appeal viz., FCA No.194 of 2010 was filed and during the pendency of the said appeal, the matter was compromised between the parties and thereby, the appeal was ordered.

4. But a perusal of the joint memo filed by the parties shows that an amount of Rs.1,00,000/- has to be paid upon the complainant withdrawing the S.C.No.412 of 2009. The counsel for the petitioner further submits that an amount of Rs.One lakh was already paid and in order to pay the remaining Rs.One lakh the complainant was not responding. He, however, submits that before the court of Judge, Family Court, City Civil Court, Hyderabad, the complainant, who was examined as RW1, deposed that she stayed in her parents' house from 25.07.2006 to 03.08.2006. The alleged incident is on 02.08.2006.

She further stated in the deposition that the petitioner never abused her nor beaten her at any point of time except that he used to suspect her.

5. Hence, from all the above facts, it can be gathered that the complaint is a frivolous complaint and the further proceedings against the petitioner are liable to be quashed.

6. With the above observations, the Criminal Petition is allowed and the further proceedings in S.C.No.412 of 2009 on the file of the court of II Metropolitan Sessions Judge, Hyderabad, against the petitioner, are hereby quashed.

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

December 6, 2018
LMV



T.RAJANI, J