

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.13470 OF 2013

ORDER:

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner - respondent seeking to quash the proceedings against him in D.V.C. No.18 of 2013, pending on the file of the Judicial Magistrate of First Class, Mahabubnagar.

2. Heard learned counsel for the petitioner, and learned counsel for respondent No.2.

3. The learned counsel for the petitioner submits that respondent No.2 - complainant filed M.C. No.22 of 1988 before the Judicial Magistrate of First Class, Mahabubnagar, and there was a compromise between the parties. Again, the complainant along with children, filed M.C. No.36 of 1986, and the same was dismissed, by order, dated 30.08.1991 against her on the ground of compromise in the earlier M.C. though maintenance was granted to the children. By virtue of compromise in M.C. No.22 of 1988, the complainant received a sum of Rs.30,000/- from the petitioner herein towards full and final satisfaction of the claim of maintenance. The learned counsel also filed a certified copy of compromise which evidences that respondent No.2 – complainant compromised with the petitioner by receiving the said amount towards her maintenance amount. Hence, this Court opines that the DVC proceedings are filed against the petitioner only to harass him

and that continuation of further proceedings in the said D.V.C. is nothing but abuse of process of law.

4. Hence, in view of the above circumstances, the present Criminal Petition is allowed, and all further proceedings in D.V.C. No.18 of 2013, pending on the file of the Judicial Magistrate of First Class, Mahabubnagar against the petitioner - respondent are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

October 29, 2018
Mgr

SMT. T. RAJANI, J

