

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10535 of 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings, dated 25.02.2012, relating to C.C.No.185 of 2012 on the file of I Additional Chief Metropolitan Magistrate at Visakhapatnam, registered for the offences punishable under Sections 498-A, 341 and 324 IPC against the petitioner/A.1.

2. The 2nd respondent-*de facto* complainant lodged a report with the police alleging that her marriage with the petitioner was performed in the year 2008; that the petitioner is working in Navy at Mumbai; that on 27.01.2012 the petitioner taken the *de facto* complainant to his house situated at Gullalapalem, Malkapuram, Visakhapatnam, picked up an altercation with her and informed that he will marry another woman and insisted her to put signatures on stamp papers and some blank papers, for which she refused. On 31.01.2012, the petitioner again came and picked up quarrel with her and forcibly obtained her signatures on some blank papers; that the petitioner also tied her hands with nylon rope, beat her with another nylon rope. Due to which, she received injuries and admitted in INHS Kalyani Hospital, Malkapuram, Visakhapatnam for treatment. On the basis of the statement of the *de facto* complainant, dated 02.02.2012, the Inspector of police, Malkapuram Police Station, Visakhapatnam, registered a case in Crime No.35 of 2012 for the offences punishable under Sections 498-A, 341 and 324 IPC and took up investigation. During investigation, the Inspector of Police examined four witnesses and recorded their statements under Section 161 (3)

Cr.P.C. On the basis of evidence collected during investigation, the respondent-police concluded that *prima facie* there is material to proceed against this petitioner and filed charges sheet against him before the Court below.

3. The contention of learned counsel for the petitioner/A.1 is that the allegations made in the complaint do not constitute any offence and hence, he prays to quash the proceedings against the petitioner.

4. As seen from the material on record, the offences alleged against the petitioner are punishable under Sections 498-A, 341 and 324 IPC. Section 341 IPC deals with punishment for wrongful restraint and section 323 IPC deals with punishment for voluntarily causing hurt. As per the statement of L.W.5-Dr.L.V.Visweswara Rao, recorded by the police during the course of investigation, L.W.1-the *de facto* complainant sustained injuries on her head. L.W.5 also issued wound certificate to that effect.

5. Since the allegations in the complaint *prima facie* constitute that the petitioner has committed the offences referred supra, this Court finds no ground to quash the proceedings against the petitioner.

6. Accordingly, the Criminal Petition is dismissed at the stage of admission. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY,J

OCTOBER 04, 2018

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Date:04.10.2018

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