

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION Nos.5874 and 6808 of 2013

COMMON ORDER:

Since both these criminal petitions are filed seeking to quash the proceedings in D.V.C.No.15 of 2013 on the file of VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, against the petitioners, they are being disposed of by this common order.

2. A perusal of the complaint would show that there are no grounds with regard to sharing of domestic relationship between the parties and whether they shared the household at any point of time. The first respondent only made claims against the petitioners.

3. Learned counsel for the petitioners submits that after marriage, the couple left for USA, where they obtained divorce by mutual consent. He also filed a copy of joint stipulation of the parties, wherein the parties agreed that maintenance would be paid by the husband to the wife and in pursuance of the said agreement, divorce was granted to them. He also filed a copy of said divorce.

4. In view of the above, it can be understood that there was no shared household between the petitioners and the first respondent and that there was mutual settlement between the parties prior to filing of this case and therefore, there can be no further grievance against the petitioners. Hence, this Court opines that continuation of proceedings against the petitioners in both the cases would only be

an abuse of process of law and the proceedings are liable to be quashed.

5. Accordingly, both the Criminal Petitions are allowed, quashing the proceedings in D.V.C.No.15 of 2013 on the file of VI Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, against the petitioners. Miscellaneous applications, if any, pending in these criminal petitions shall stand closed.

10th September, 2018.

sj

T. RAJANI, J

