

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.3522 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 5 seeking to quash the proceedings against them in C.C.No.239 of 2019 on the file of Judicial Magistrate of First Class (Special Mobile Court), Khammam, for the offence punishable under Section 498-A I.P.C and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent-complainant.

3. The present petitioners/accused Nos.1 and 5 are husband and sister-in-law of the 2nd respondent; that the marriage of petitioner No.2 was performed prior to the marriage of petitioner No.1/accused No.1 with respondent No.2; that petitioner No.2 is living with her husband and children at U.S.A and she is nothing to do with the proceedings in subject C.C; that the 2nd respondent herself left the company of the petitioner No.1. It is stated that vide Judgment, dated 11.02.2019, in C.C.No.239 of 2019, the learned Judicial Magistrate of First Class (Special Mobile Court) Khammam, found Accused Nos.2 to 4 and 6 were not guilty of aforesaid offences and accordingly, they were acquitted. It is also stated that petitioner No.1/accused No.1 filed F.C.O.P.No.437 of 2017 on the file of Judge, Family Court-cum-III Additional District and Sessions Judge, Warangal, under Section 13-B of the Hindu Marriage Act, for divorce and the Court below after perusing the

material on record, vide order, dated 18.09.2018, granted decree of divorce by mutual consent and petitioner/accused No.1 paid an amount of Rs.45,00,000/- to respondent No.2 towards her maintenance claim and all other claims.

4. Learned counsel for the petitioners/accused Nos.1 and 5 would submit that the marriage of petitioner No.1/accused No.1 with respondent No.2/complainant was already dissolved by grant of decree of divorce by mutual consent on 18.09.2018 and petitioner/accused No.1 paid an amount of Rs.45,00,000/- to respondent No.2 towards her maintenance. He further submits that Accused Nos.2 to 4 and 6 were already acquitted vide Judgment, dated 11.02.2019 in C.C.No.238 of 2019 and hence continuation of proceedings against the present petitioners is an abuse of process of law and prayed to quash the proceedings against the present petitioners.

5. Learned counsel for the 2nd respondent/complainant filed counter stating that the petitioner/accused No.1 and respondent No.2 obtained decree of divorce by mutual consent and petitioner/accused No.1 paid an amount of Rs.45,00,000/- towards maintenance to respondent No.2. He further stated that respondent No.2 has no objection if the proceedings are quashed against the present petitioners/accused Nos.1 and 5 in the subject Calendar Case.

6. Having regard to the submissions made by both the counsel and since the parties have settled their disputes by way of compromise, moreover, accused Nos.2 to 4 and 6 were already acquitted for the said charges, continuation of proceedings against

the present petitioners/accused Nos.1 and 5 are nothing but an abuse of process of law.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners/accused Nos.1 and 5 in C.C.No.239 of 2019 on the file of Judicial Magistrate of First Class (Special Mobile Court), Kahmmam.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

16th December, 2019
YVL

JUSTICE G.SRI DEVI



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Date:16.12.2019

YVL