

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

CRIMINAL PETITION No.5652 OF 2021

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.910 of 2018, pending on the file of V Additional Judicial First Class Magistrate, Warangal. The petitioners herein are Accused Nos.1 to 3 in the said C.C. The offences alleged against them are under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the record. Despite service of notice there is no representation on behalf of the 2nd respondent.

3. Perusal of the record would reveal that the marriage of the 1st petitioner with the 2nd respondent was performed on 28.08.2016. Thereafter, matrimonial disputes arose between them and later they have decided to obtain decree of divorce with mutual consent.

Accordingly, they have settled the disputes out of the Court. They have filed an application vide FCOP.No.121 of 2019 under Section 13-B of Hindu Marriage Act, 1955 (for short 'the Act') seeking dissolution of said marriage with mutual consent and the same was ordered on 20.08.2020. In the said application, there is a specific mention that the 1st petitioner and the 2nd respondent have exchanged their belonging including jewelry, money etc., and they have decided to withdraw the said proceedings including the proceedings in C.C.No.910 of 2018. The present complaint is lodged on 21.01.2018 i.e., much before filing of a petition under Section 13-B of the Act. As stated supra, despite service of notice, there is no representation on behalf of the 2nd respondent. Thus, continuation of proceedings in C.C.No.910 of 2018 against the 2nd respondent is abuse of process of law. Therefore, the proceedings in C.C.No.910 of 2018, pending on the file of V Additional Judicial First class Magistrate, Warangal, are liable to be quashed and accordingly quashed.

4. Accordingly, this Criminal Petition is allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

K. LAKSHMAN, J

Date: 07.04.2022
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