

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

Criminal Revision Case No. 404 OF 2023

Between:

1. Pasupuleti Gokul Kumar
2. Pasupuleti Janardhan Rao
3. Pasupuleti Rama Devi
4. Pasupuleti Rahul Kumar
5. Pasupuleti Ujwal Kumar

... Petitioners/accused Nos.1 to 5

And

1. The State of Telangana., rep by
its Public Prosecutor High Court
For the State of Telangana, at
Hyderabad.

... Respondent No.1/State

2. Ganapurapu Navya D/o: Anjaiah,
Age: 30 years, Occ: House hold,
H.No.1-5-104, R/o: Railway Station Road,
Mahabubabad, Mahabubabad District.

...Respondent No.2

DATE OF ORDER PRONOUNCED: 24.11.2023

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

K.SURENDER, J

*** THE HON'BLE SRI JUSTICE K. SURENDER**

+ CRL.R.C. No. 404 of 2023

% Dated 24.11.2023

Pasupuleti Gokul Kumar
Pasupuleti Janardhan Rao
Pasupuleti Rama Devi
Pasupuleti Rahul Kumar
Pasupuleti Ujwal Kumar

... Petitioners

And

1. The State of Telangana., rep by
its Public Prosecutor High Court
For the State of Telangana, at
Hyderabad. ... Respondent No.1/State

2. Ganapurapu Navya D/o: Anjaiah,
Age: 30 years, Occ: House hold,
H.No.1-5-104, R/o: Railway Station Road,
Mahabubabad, Mahabubabad District.
...Respondent No.2

! Counsel for the Petitioner: Sri A. Prabhakar Rao

^ Counsel for the Respondents: Additional Public Prosecutor for
State

>HEAD NOTE:

? Cases referred Nil

HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL REVISION CASE No. 404 of 2023

ORDER:

The petitioners/accused Nos.1 to 5 are aggrieved by the dismissal Order, dated 13.03.2023 made in CrI.M.P.No.4 of 2023 in C.C.No.1037 of 2021 on the file of the Principal Junior Civil Judge-cum-Principal Judicial Magistrate of First Class, Mahabubabad, refusing to discharge the petitioners.

2. The respondent No.2/*de facto* complainant filed a criminal complaint on 27.07.2019 alleging that she married accused No.1 on 06.10.2017 and thereafter differences arose between them. On account of the alleged physical and mental harassment, the said complaint was filed. On the basis of the complaint, the charge sheet was filed by the Police on 11.12.2021.

3. Learned counsel for the petitioners submitted that immediately after filing the complaint in July, 2015 both the spouses accused No.1 and respondent No.2 approached the Civil

Court and filed petition for mutual consent divorce in the month of September, 2019. It was stated by the *de facto* complainant in the petition that due to misunderstandings, the complaint was filed against these petitioners and she intends to withdraw the said complaint by co-operating with the Police.

4. In pursuance of the settlement Rs.20,00,000/- was paid to the *de facto* complainant. In the Civil Court, the affidavit was filed by the *de facto* complainant stating that due to misunderstanding, she has filed the complaint. Thereafter, learned Senior Civil Judge at Mahabubabad, before whom the mutual consent petition for divorce was pending, passed order on 04.08.2020 dissolving the marriage. It is mentioned in the Order that the *de facto* complainant had received Rs.20,00,000/- and she was not intending to prosecute the Criminal Case.

5. On behalf of the respondents, the said orders and documents are not disputed.

6. When the issues are already been settled and on the basis of such settlement, the divorce was granted wherein it was specifically undertaken by the respondent No.2 that she does not intend to prosecute the case and the question of proceeding with the present criminal case does not arise.

7. In the chief affidavit of Pw.2 it was stated that:

“due to misunderstandings I filed complaint before the Police Mahabubabad against the petitioner No.1 and his family members and the Police Mahabubabad Town registered a case in Crime No.185 of 2019 under Section 498-A of Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act against the petitioner No.1 and his family members, as per the statement I agreed to withdraw the said complaint to co-operate with the concerned police to close the said criminal case. All these facts have constituted a cause for file this petition”.

8. Learned counsel submits that *de facto* complainant remarried and failed to approach the police to withdraw the complaint. Accordingly, the police in December, 2021 filed charge sheet. Taking into consideration, the undisputed documents which are

the orders passed in H.M.O.P and the receipt of the amount of Rs.20,00,000/- by the *de facto* complainant and further remarried, this Court is of the view that continuing criminal proceedings against these petitioners is nothing but abuse of process of the Court.

9. Accordingly, this Criminal Petition is allowed and the proceedings against these petitioners in C.C.No.1037 of 2021 on the file of the Principal Junior Civil Judge-cum-Principal Judicial Magistrate of First Class at Mahabubabad, are hereby quashed. Consequently Order in CrI.M.P.No.4 of 2023 is hereby set aside.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 24.11.2023.

mmr