

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15495 OF 2016

ORDER:

This Criminal Petition is filed to quash the order dated 20th February, 2016 passed by the learned XIX Metropolitan Magistrate, Cyberabad, at Miyapur, Kukatpalli, in CrI.M.P.No.2211 of 2016 in S.R.No.2179 of 2016.

Petitioner herein is the complainant.

Petitioner filed a complaint before the learned XIX Metropolitan Magistrate, Cyberabad, at Miyapur, Kukatpalli for the offences punishable under Sections 417, 420, 468 and 471 of I.P.C. against respondents 1 and 2 who are wife and father-in-law of complainant.

Petitioner is making several allegations, more particularly, contending that respondents-accused allegedly changed the name of daughter of the petitioner by name Rohithakshaya as Pabbineedi Rohita Gouri using certain documents without the consent of the petitioner and thereby, they deprived the petitioner to enjoy the visiting rights granted by the court.

During enquiry, in the complaint before taking complaint on file, the petitioner filed petition under Section 311 of Cr.P.C. to summon school authorities of Little Hearts School, K.P.H.B. Colony, Hyderabad, for production of the school record. In fact, the details furnished by the school authorities by way of a later dated 30-12-2014 are produced before the court where they disclosed the change of name of the daughter of the petitioner from Rohithakshaya to that of Pabbineedi Rohita Gouri.

The allegations made in the complaint shown at 8 of the complaint shows that “the accused No.1 and 2 have created and forged the relevant documents and altered certain facts of baby Rohitakhya Anisetty (daughter of the complainant) and used them as genuine to cause loss to the interest of complainant. All their acts attract offences punishable under Sections 417, 420, 468 & 471 of I.P.C. and with no other way the complainant is approaching this Hon’ble Court for justice.”

The petitioner did not disclose the details of document and alleged forgery by the respondents 1 and 2 and using those documents in altering the name of daughter of petitioner i.e., Rohithakshaya as Pabbineedi Rohita Gouri and to attract the offences punishable under Sections 417, 420, 468 & 471 of I.P.C.

Section 468 of I.P.C. reads as follows:

“Whoever commits forgery, intending that the (document or electronic record forged) forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

Section 471 I.P.C. reads as follows:

“Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged (document or electronic record), shall be punished in the same manner as if he had forged such (document or electronic record.)”

But here except bare allegations in the para 8 that the accused 1 and 2 created forgery of relevant document without discussing the details of the document filed by the petitioner and request of the

petitioner to the court to issue summons under Section 311 of C.r.P.C at the pre-registration stage, there is no other material.

But as seen from the record, the trial court dismissed the petition on the ground that school register does not bring any new fact for the purpose of consideration of complaint. However, the order is challenged on various grounds mainly contending that they are relevant at the pre-registration stage.

During hearing, learned counsel for the petitioner reiterated the contentions in the petition, however, the case is coming for consideration, at this stage, petitioner is not required to establish the alleged forgery beyond all reasonable doubt, at best, proof of prima facie case before the court is sufficient.

Hence, I find it a fit case to dismiss the petition as alleged document i.e., school records which are in the custody of Little Hearts School, K.P.H.B.Colony, Hyderabad, are not relevant at this stage but however, petitioner is at liberty to summon documents required at the appropriate stage during trial.

With the above direction, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 1-11-2016.

Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 1-11-2016.

Dvs