

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7788 of 2017

ORDER:

Heard learned counsel for the petitioner/accused and learned Public Prosecutor representing the State before ordering notice to the 2nd respondent, who is de facto complainant of Crime No.449 of 2017 of Uppal Police Station, Rachakonda District, registered for the offences punishable under Sections 420, 468, 471, 500 and 506 I.P.C. and perused the grounds urged in the quash petition and the contents of the F.I.R.

Though, the main contention of the learned counsel for the petitioner that the petitioner already filed interim custody petition before the Family Court, Ranga Reddy District, for custody of the two children born in the relationship of the petitioner/accused and one Sravanthi and there he mentioned that the son of the de facto complainant/ D.Laxmi got relationship with that Sravanti and once such is the case, there is no need for him to give any complaint as if given by the de facto complainant to the East Zone Special Branch Police of Hyderabad and it is a false case waived at the instance of the Sravanthi and the son of the *de facto* complainant to implicate him and to see that he will be risk to his job by arrest of him and keeping in custody. In fact, there is a *prima facie* allegation and it is premature for this Court, much less, to interdict the investigation.

Having regard to the above, there is nothing to keep the petition pending, but for, to say if at all there is any requirement of arrest after verification of the so called report said to have been falsely given by the accused forging the signature of the *de facto* complainant, the Police strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹,

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

Date:15.09.2017
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JUSTICE Dr. B.SIVA SANKARA RAO



¹ (2014 (2) ALT (CrI.) 457 SC)