

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2732 OF 2017

ORDER:

The present petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to quash the First Information Report in Crime No.86 of 2017 of Chaitanyapuri Police Station, Rachakonda District.

2. The petitioners are arraigned as accused Nos.1 and 3 to 6 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 494, 420 and 498 read with Section 120-B of I.P.C.

3. Heard Sri P. Shashi Kiran, the learned counsel for the petitioners, learned Additional Public Prosecutor for the State of Telangana, and Sri Katta Laxmi Prasad, the learned counsel for the 2nd respondent/*de facto* complainant.

4. The case of the prosecution is that the *de facto* complainant married the 1st petitioner in 2007; one month thereafter, she left his company and she also filed a case against him; thereafter he learnt that she is living with the 2nd accused and leading marital life together, without obtaining divorce, and a child was born, who was 12-months-old on the date of filing of the complaint; and the 1st accused, thus, suppressed the material facts to get maintenance, that disclose the

intention and thus all the accused herein are conspired together and cheated him.

5. The learned counsel for the petitioners would submit that on account of harassment caused to her (1st petitioner), she lodged First Information Report in Crime No.616 of 2008 of Kukatpally Police Station for the offence punishable under Section 498-A of IPC and on taking cognizance, which was given C.C. No.1280 of 2008 on the file of IX-Metropolitan Magistrate, Miyapur, Cyberabad, Rangareddy District. As a counterblast, the 2nd respondent filed a private complaint with all false allegations and the same is pending in PCR No.21901 of 2009 before the II-Additional Chief Metropolitan Magistrate, Bangalore, for the offences punishable under Sections 506, 500 and 312 of IPC read with Section 120-B of IPC and got filed another case, which is registered as First Information Report in Crime No.12 of 2010 before Somala Police Station, Chittoor District.

6. The learned counsel for the petitioners would submit that the petitioner No.1/accused No.1 started pursuing M.Sc. (Nursing) with the support of her parents by taking hand loans and she filed M.C.No.145 of 2009 on the file of Family Judge, Rangareddy District at L.B. Nagar, requesting to pay Rs.30,000/- as monthly maintenance as the 2nd respondent/*de facto* complainant earning Rs.80,000/- per month, and interim maintenance granted by the Court at Rs.5,000/- per month, which was challenged by the 2nd respondent in Criminal Revision Case No.1756 of 2010 was also dismissed. His submission

is that the 2nd respondent is intentionally evading to pay the amount. The learned counsel for the petitioners further submit that the 2nd respondent is a psycho and the 2nd respondent/*de facto* complainant dragging on the divorce proceedings filed by the 1st petitioner under Section 13 (1) (ia) of Hindu Marriage Act, 1955 in O.P. No.1563 of 2013 on the file of Family Judge, Rangareddy District at L.B. Nagar by filing various Interlocutory Applications requesting about 20 reliefs, even the learned Judges, on whose files cases filed by the 2nd respondent are pending were also compelled to face his sadism as he started giving complaints against the Presiding Officers to avoid to pay the maintenance arrears. Hence, the learned counsel for the petitioners sought to allow the petition.

7. Counter filed by the 2nd respondent/*de facto* complainant stating therein that the 1st petitioner delivered a child on 26.11.2015 through C-section operation at JRD Hospital and relevant hospital records are collected by the *de facto* complainant, and the 1st petitioner is absconding and all the petitioners are not cooperating with investigation and avoiding medical tests in support of C-section operation by absconding. Various other factors have been raised strongly resisting the request of the petitioners to quash the First Information Report. Mostly, in the direction of 1st accused and 2nd accused marrying, begetting a child and living together, shifting from one place to another place, which are all unnecessary at this stage to probe into investigation under Section 482 of the Code as it is well

settled that roving enquiry need not be conducted. What all can be said from the submissions made by the learned counsel and the material available on record, there are disputed questions of fact which require a thorough probe by the investigating agency and it is not a case where abuse of process can be viewed.

8. Hence, the Criminal Petition is dismissed.

As a sequel thereto, miscellaneous petitions if any pending in the Criminal Petition shall stand closed.

Dt.20.04.2017
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A.SHANKAR NARAYANA