

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.3744 of 2018

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/accused seeks to quash proceedings against her in Crime No.98/2018 of Tadepalli PS, Guntur Urban.

2) The factual matrix of the case which led to file the instant petition is thus:

a) The 2nd respondent/complainant lodged a report with the Tadepalli PS alleging that he married the petitioner herein in the year 1994 at Vijayawada and since beginning of the marriage, she was quarrelsome and never shown any harmony towards complainant and his family and she tried to dominate him through threatening. Although the complainant accommodated her keeping in view the family prestige. However, right from the day one of the marriage, she was conspiring against the complainant and his family. She proclaimed that she was not interested in marrying him but she did due to the pressure of her parents. It is further averred that the couple have two sons namely Rohit Surya, aged 20 years and Harshal, aged 17 years and they are studying. When the accused pressurized her elder son to pursue IIT entrance against his will, the complainant objected and told her to give freedom to their son to choose the course which he wanted to study. However, she took it as an offence and left her sons and the complainant in December, 2014 and abandoned the family and living independently since 4 years. As their younger son refused to go along with her, the accused filed a civil petition for his

custody. However, no favourable orders were passed in her favour. In order to pressurize the complainant to give up his civil case and to harass him mentally and degrade him socially, the accused hatched a conspiracy. In pursuance thereof, she had forged some e-mails, copies of which were filed along with the complaint, as if some electronic communication had taken place between both of them wherein the complainant tried to demand her some money and harassed her and with the strength of those fake documents, the accused got a criminal case registered against the complainant in May, 2017 through Telangana CID police. She also filed several petitions against him using those fabricated and forged documents. The particulars of the case were published widely in Media and thereby the social reputation of the complainant was badly damaged. Finally, the complainant avouched that he can establish that the e-mails were never sent by him. Thus he requested the police of Tadepalli PS to register the case and investigate into. The complaint was registered as Crime No.98/2018 for the offences under Sections 463, 464, 465, 469, 471, 474, 500 and 503 IPC and investigation is pending.

Hence the instant petition.

3) Heard arguments of Sri Poornachandra Reddy, learned counsel for petitioner; Sri Ugra Narasimha, learned counsel for 2nd respondent and learned Additional Public Prosecutor for the State.

4) The point for consideration is:

“Whether there are merits in the petition to allow?”

5) **POINT**: Shorn-off unnecessary details, suffice to say, the petitioner/accused lodged a report dated 25.05.2017 with the Addl. Director General of Police, Crime Investigation Department, Telangana State, which was registered as a case in Crime No.12/2017 by the police of CID PS, TS, Hyderabad, for the offences under Sections 498-A, 506 IPC and Sections 3 & 4 of D.P Act against the 2nd respondent herein. The investigation is reported to be pending. In the said report, the petitioner/accused referred certain e-mails said to have been exchanged between her and 2nd respondent. It is alleged that the 2nd respondent sent her some e-mails abusing her in obscene and vulgar language and also questioning her character etc. Be that it may, the 2nd respondent in his turn lodged report in Crime No.98/2018 alleging that the e-mails referred to by the petitioner/accused in Crime No.12/2017 were all false and forged ones and they were never sent by him. He thus prayed for a detailed investigation into the matter regarding the genesis and genuineness of those e-mails.

6) Severely fulminating the registration of FIR No.98/2018, learned counsel for petitioner Sri Poornachandra Reddy, would argue that the complaint is not maintainable inasmuch as the FIR No.12/2017 of CID PS, TS, Hyd, is already under investigation and the authenticity of the e-mails sent by the 2nd respondent will also be investigated and therefore, a separate FIR challenging the authenticity of the e-mails sent by him is premature and unwarranted.

a) Learned counsel further argued that the police of Tadepalli PS, have no territorial jurisdiction to investigate into Crime No.98/2018 for, the alleged

offence of forgery of the e-mails took place at Hyderabad and no part of the offence took place within the jurisdiction of aforesaid police station and therefore, the FIR itself is not maintainable for want of jurisdiction. He placed reliance on several decisions in this regard.

7) Per contra, learned counsel for 2nd respondent Sri Ugra Narasimha, would argue that all the e-mails allegedly sent by 2nd respondent to the petitioner were forged to support the case of petitioner in Crime No.12/2017 and therefore, the 2nd respondent has every right to take criminal action against her for the offence of forgery. He would further submit that the aspect of jurisdiction cannot be decided at this preliminary stage since the place of forgery and circulation of impugned e-mails is not known at this stage. He would submit that only after thorough investigation the true facts can be exhumed. He thus prayed to dismiss the petition.

8) I have given my anxious consideration to the above respective submissions. The bone of contention in this case is the e-mails referred to in Crime No.12/2017 allegedly sent by the 2nd respondent to her with vituperative contents. Along with material papers, copy of FIR in Crime No.12/2017 is filed and a perusal of the same would disclose that the petitioner herein referred in the said FIR several e-mails allegedly sent by 2nd respondent herein to her. Their tone and tenor is that the 2nd respondent made indecent and abusive remarks against the petitioner. Therefore, whether the 2nd respondent indeed sent those e-mails is a question of fact concerning to the investigation in FIR No.12/2017. In this regard, I find substantial force in the submission of learned counsel for petitioner. If parallel investigations were

to be conducted in respect of the authenticity of the disputed e-mails, the possibility of obtaining conflicting findings cannot be obviated which may lead to multiplicity of the proceedings. Therefore, in the interest of justice, exercising the plenary powers under Section 482 Cr.P.C, this Court can direct the police dealing with Crime No.12/2017 to investigate into the genuinity or otherwise of the disputed e-mails along with the other allegations levelled in the said crime and submit ultimate report to the concerned Court, so as to enable the aggrieved party to take the further course available under law.

9) In the result, this Criminal Petition is allowed and proceedings in Crime No.98/2018 of Tadepalli PS, Guntur Urban District, are quashed with a direction to the police of CID PS, Telangana, Hyderabad to conduct investigation in Crime No.12/2017 expeditiously and during such course, investigate also into the genuinity or otherwise of the e-mails referred in the said crime allegedly addressed by the 2nd respondent herein and file the investigation report before the concerned Jurisdictional Magistrate so as to enable the party aggrieved to pursue the further course available under law.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 13.11.2018

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