

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.7901 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to quash the proceedings in Crime No.1685 of 2017 of KPHB Colony Police Station, Cyberabad, registered for the offences alleged under Sections 420, 464, 468, 471 and 193 read with 34 I.P.C.

2. Heard learned counsel for the petitioner/accused, learned counsel for respondent No.2/*de facto* complainant and the learned Additional Public Prosecutor representing respondent No.1/State. Perused the record.

3. Learned counsel for the petitioner/accused would submit that no forged document, as alleged, was filed by the petitioner/accused; that the parties to the litigation obtained mutual divorce on 28.07.2018 in F.C.O.P.No.948 of 2017 on the file of XV Additional District Judge – cum – II Additional Family Judge, Ranga Reddy District, Kukatpally; that the allegations made in the F.I.R. are false and ultimately, prayed to allow the petition.

4. Learned counsel for respondent No.2/*de facto* complainant would submit that the petitioner/accused has fabricated the document 'Customary Divorce by Mutual Consent, dated

17.04.2017', stating that there was a customary divorce between the parties to the litigation; that basing on the same, the petitioner/accused obtained bail in Crime No.1500 of 2017 of KPHB Colony Police Station for the offences alleged under Section 498A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961; that a copy of the said document was filed along with the present complaint; that basing on the same, the present crime is registered against the petitioner/accused and investigation is going on and ultimately, prayed to dismiss the petition.

5. As seen from the record, there are allegations against the petitioner/accused of fabricating and forging a document relating to divorce between the parties to the litigation, which is brought into existence to obtain bail in Crime No.1500 of 2017 of KPHB Colony Police Station. Under these circumstances, it cannot be said that there is no material against the petitioner/accused constituting cognizable offence. The issue of subject F.I.R. cannot be faulted with. The matter requires investigation. The petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

March 29, 2019.
MD

Dr. SHAMEEM AKTHER, J