

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.577 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.36 of 2019 on the file of Begumpet Police Station, Hyderabad City, registered against the petitioner/accused No.4 for the offence punishable under Section-494 IPC.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The case of the prosecution in brief is that the de facto complainant married accused No.1 in the year 2010; that after marriage, she filed a complaint against the de facto complainant for the offence punishable under Section 498-A IPC and further, she also filed a maintenance case, which was subsequently withdrawn by her; that again she filed a false case before the Station House Officer, Bowenpally, with an intention to harass him and get money illegally; that accused No.1 remarried one Katamoni Kranthi Kumar-the petitioner herein (accused No.4) without taking divorce from him and also gave birth to a female child, while the marriage between accused No.1 and the de facto complainant is still subsisting. Hence, the complaint.

4. Learned counsel for the petitioner submitted that the allegations in the complaint does not disclose any offence much less

the offence under Section 494 IPC; that the allegations levelled against the petitioner are vague and omnibus in nature; that there is no single evidence against the petitioner; that the petitioner has not married accused No.1 at any point of time and the same is created for the purpose of the case; that there is no prima facie case against the petitioner; and that the attitude of the de facto complainant clearly shows that he is abusing the process of law.

5. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioners.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered view that there can be no interference with the investigation or order staying arrest of the petitioners unless cognizable offence is not *ex-facie* discernable from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out.

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioners who have come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. The investigation in the aforesaid crime may go on.

¹ 1992 SCC (CrI) 426

However, till completion of investigation and filing of final report, no coercive steps shall be taken against the petitioner.

8. Accordingly, the Criminal Petition is disposed of.

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

JUSTICE G. SRI DEVI

28th January, 2020
dr

