

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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CRIMINAL PETITION No.3706 OF 2015

ORDER:

This is a Criminal Petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioner/A.1 requesting to quash the proceedings against him in Cr.No.200 of 2014 on the file of Kodavalur Police Station, Nellore.

2. The petitioner is the A.1. The second respondent is the defacto complainant. The crime registered is for the offences punishable under Sections 493, 313, 417 and 506 read with Section 34 of the Indian Penal Code (for short, 'the I.P.C') against the petitioner, among others, with allegations that while the defacto complainant was studying B.Sc. the petitioner having acquainted with her moved to her saying loving her and they had their sexual affair there from and due to that the defacto complainant attained pregnancy, and the petitioner later refused to marry her.

3. The contention, from the very allegations, is that once there is consent within the definition of Section 90 of the I.P.C there is no element of cheating event and thereby it is a fit case to admit. The case is undisputedly under investigation and a perusal of the F.I.R shows the accused pretending that he is loving her and threatening that he would die if she failed to oblige him and having been moved her to have sexual intercourse with a promise to marry her and she attained pregnancy therefrom.

4. There is nothing to show that there is no *prima facie* accusation from the contents of F.I.R to attract even Section 417 of I.P.C. among the contents mentioned in registering the crime.

5. Having regard to the above, the facts does not admit this petition under Section 482 of the Code, but for at best, the petitioner’s entitlement to the bail, since he is claiming as preparing for M.Tech course and the police are after him.

6. In the circumstances of the case, the Criminal Petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate and move an application for regular bail with a notice to the concerned Assistant Public Prosecutor, and in such event, the learned Magistrate shall grant bail on the same day or atleast by the next day with necessary conditions.

Miscellaneous petitions pending, if any, in the Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 04.06.2015

MVA

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