

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.1529 of 2011

ORDER:

Petitioner-A2 filed this petition seeking quashing of the proceedings initiated against him in P.R.C.No.1 of 2011 on the file of the Court of the Judicial Magistrate of First Class, Kanigiri, Prakasam District.

It is the case of the prosecution that on 20.08.2010 at about 10.00 hours, while the victim Manikonda Vengamamba @ Chinna Vengamma (L.W.2), aged about 16 years, was present at her house alone, Accused No.1 went there, took her by deceitful means to different places and ultimately to the house of the petitioner-A2 and informed him about the kidnap of the victim. Thereafter, A-1 and the petitioner-A2 took the house of one Marupeddi Sudarshan (L.W.7) on rental basis and kept the victim in the said house and tried to convince her to marry A-1, but the victim refused the same. On a complaint given by the father of the victim, a case in Crime No.76 of 2010 was registered against the accused by the Sub Inspector of Police, Pamur Police Station for the offence punishable under Section 366 (A) read with Section 34 I.P.C. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offence against A1 and the petitioner-A2 in the Court of the Judicial Magistrate of First Class, Kanigiri.

Learned Counsel for the petitioner-A2 contended that the petitioner-A2 has not committed any offence as alleged

by the complainant and he has been falsely implicated in the case. He further contended that except giving shelter to A-1 and the victim at this house, the petitioner-A2 has absolutely no knowledge about the evil intention of A-1.

A perusal of the allegations in the charge sheet clearly reveal a *prima facie* case against A-1 and petitioner-A2 for the offence punishable under Section 366 (A) read with Section 34 I.P.C. All the aforesaid contentions fall within the purview of disputed questions of fact and, therefore, the truth or otherwise of the allegations cannot be gone into in this petition and it can only be decided during the course of trial. Therefore, the request of the petitioner-A2 to quash the proceedings initiated against him cannot be countenanced.

Accordingly, the Criminal Petition is dismissed.

M.S.K.JAISWAL, J

02-07-2015
Gsn