

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

FRIDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT

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

CRIMINAL PETITION No.9452 of 2015

Between:

Mudraboina Chinnamma and 7 others

..... PETITIONERS/A2 to A8

AND

The State of Andhra Pradesh,
Rep.by its Public Prosecutor,
High Court at Hyderabad and another

.....RESPONDENTS

The Court made the following:

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

CRIMINAL PETITION No.9452 of 2015

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the proceedings in Special Sessions Case No.16/2015 on the file of the learned X Additional District & Special Sessions Judge, Krishna, Machilipatnam, registered for the offences punishable under sections 420, 417, 506 r/w.Sec.34 IPC and under Sec.3(1)(x) of SC & ST (POA) Act, 1989.

Heard the learned counsel for the petitioners/A2 to A8 and the learned Additional Public Prosecutor, representing the State.

It is alleged that the non-petitioner/A1 on a promise to marry, had intercourse with the *de facto* complainant on several times and when the *de facto* complainant asked him to marry, the non-petitioner/A1 and the petitioners/A2 to A8, who are said to have acted as elders, refused the request of the *de facto* complainant on the ground that she belong to Scheduled Caste Community.

The allegations levelled in the charge sheet against the petitioners/A2 to A8, *prima facie*, reveal the commission of offences, as alleged. I feel that it is not a fit case where the proceedings can be quashed. The truth or otherwise of the allegations can only be decided or determined during course of trial. This Court is not supposed to make a roving enquiry into the allegations made in the charge sheet. I absolutely see no valid ground to quash the charge sheet.

The Criminal Petition is accordingly dismissed. However, in the facts and circumstances of the case, and considering the status of the petitioners/A2 to A8, who are alleged to have acted as elders in the incident, the Court below is directed to proceed with the trial and dispose of the same, as expeditiously as possible, however, without insisting for the presence of the petitioners/A2 to A8 for each and every adjournment, unless it feels that their physical presence is necessary for any specific purpose.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 09.10.2015

Dsr

