

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.M.P.No.4667 OF 2016

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CRIMINAL PETITION No.4143 OF 2016

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ORDER:

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1. The above Criminal Petition is filed by the petitioner-accused under Section 482 Cr.P.C., seeking to quash the proceedings against him in Crime No.38 of 2016 on the file of Golconda Police Station, Hyderabad, registered for the offence punishable under Section 376 IPC.

2. Brief facts of the case are as follows:

The 2nd respondent-de facto complainant is working as Senior Analyst in Accenture Company. The petitioner and the 2nd respondent are known to each other and they came into contact through a mobile dating application by name "TINDER" in the month of October, 2015 and they used to speak to each other on mobile phones. The 2nd respondent stopped chatting with the accused for some days. But the petitioner tried to contact her and he promised her to provide the study material to get admission in American University and asked her to come to his house. When she went to the house of the accused on his Honda City car, he provided a soft drink (coco-cola) by mixing liquor or something without her knowledge. After drinking the same, the 2nd respondent became unconscious. Then, the petitioner removed her clothes and raped her. When she resisted, he used force. On the complaint lodged by the 2nd respondent, the above crime was registered.

3. When this matter has come up, the 2nd respondent-de facto complainant and the petitioner, who appeared before this Court, represented through their Counsel that due to intervention of elders, they entered into compromise and therefore, the proceedings in the

above crime may be quashed. The 2nd respondent-de facto complainant filed an affidavit stating that she was compelled to lodge a complaint due to frustration and that in the circumstances prevailed at that time, she filed a complaint against the petitioner alleging that the petitioner outraged her modesty and committed rape on her, and that no act of offence or rape was committed by the petitioner as alleged in the complaint and that she is not interested to proceed with the case and she is withdrawing all the allegations levelled against the petitioner. She further stated that the petitioner and herself are working as software employees and in the interest of their career and bright future, she does not want to proceed further in the above case.

The parents of the petitioner and the brother and mother of the de facto complainant are present before this Court.

4. In the first instance, this Court is not inclined to allow the application filed by the petitioner since the offence is serious in nature. On enquiry, it came to light that the 2nd respondent is aged about 30 years and she is capable of understanding the proceedings. On repeated questions, she informed that in the interest of her future and the family reputation, she does not want to proceed in this case. In such circumstances, if the proceedings in the above crime are allowed to be continued, even during the course of trial, the 2nd respondent-de facto complainant does not support the case of the prosecution.

5. In view of the compromise arrived at between the parties, the continuation of the proceedings against the petitioner-accused would be the exercise in futility. It is pertinent to note that the Courts would be justified in invoking its inherent jurisdiction, and the technicalities should not be allowed to stand in the way of Courts' power to quash the criminal proceedings even in the case of non-compoundable offences.

6. In the above circumstances and in view of the compromise, this

Court is of the view that it is just and proper to quash the proceedings against the petitioner herein. Hence, the above CrI.M.P is ordered and the proceedings against the petitioner-accused in Crime No.38 of 2016 on the file of Golconda Police Station, Hyderabad, are quashed. The petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) towards costs to the Telangana State Legal Services Authority, Hyderabad. The Registry is directed to issue a copy of this order to the parties concerned after furnishing a receipt of payment of costs.

7. Accordingly, the above CrI.M.P is ordered and the Criminal Petition is allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 28.03.2016

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Dated 28th March, 2016.

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