

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38988 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in Crime No.316 of 2015 on the file of Abid-road Police Station, Hyderabad.

2. Heard and perused the material available on record.

3. The allegations raised by the 3<sup>rd</sup> respondent-wife of the petitioner are that the petitioner outraged the modesty of his own daughter and tried to commit rape upon her. On the basis of the complaint lodged by the 3<sup>rd</sup> respondent, a case was registered. During the course of investigation, it is revealed the relationship between the petitioner and the 3<sup>rd</sup> respondent strained and they are living separately. Apart from that, even though the statements recorded under Section 161 Cr.P.C., disclose that the victim girl deposed against the petitioner herein, but the witnesses i.e., other two children of the petitioner, who accompanied the victim girl, deposed before the Magistrate in the statement recorded under Section 164 Cr.P.C. that no such offence was committed by the petitioner.

4. Considering the fact that the petitioner and the 3<sup>rd</sup> respondent are not living together and considering the statements of the witnesses recorded by the Magistrate, the official respondents are directed to conclude the investigation without arresting the petitioner and file a final report taking into consideration the facts recorded by this Court. The petitioner is directed to appear before the Station House Officer concerned as and when required. The petitioner is further directed to execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with

one surety for the like sum to the satisfaction of the Station House Officer concerned, as surety for his future appearance as and when required.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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RAJA ELANGO, J

Date: 21<sup>st</sup> November, 2016  
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HONOURABLE SRI JUSTICE RAJA ELANGO



Date: 21<sup>st</sup> November, 2016

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