

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3775 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-2 seeking to quash the proceedings in Crime No.150 of 2015 on the file of Chapadu Police Station, YSR Kadapa District.

2. Heard and perused the material available on record.

3. The offences alleged against the non-petitioner/A-1 are punishable under Section 376 I.P.C. and Section 5(j)(ii) and 5(l) read with Section 6 of the Protection of Children from Sexual Offence Act, 2012 (for short, "POCSO Act"). It is alleged that during the pendency of the said crime, on the basis of the statement given by the victim girl, who is the daughter of the *de facto* complainant, the petitioner herein tried to compromise the issue with A-1 and so, the police arrayed the petitioner as A-2 in the above crime.

4. Even admitting that the entire allegation made against the petitioner is true and correct, it would attract the offence punishable under Section 506 I.P.C. Hence, this Court is of the view that the petitioner herein cannot be added as an accused for the offence punishable under Section 376 I.P.C. and Section 5(j)(ii)(i) read with Section 6 of the POCSO Act. The truth or otherwise of the said allegations can be ascertained by the Investigating Agency during the course of investigation. Therefore, this Court is not inclined to interfere with the proceedings against the petitioner in the above crime.

5. At this stage, learned counsel for the petitioner submitted that in view of the pendency of the above crime, the petitioner is apprehending arrest and also harassment in the hands of police.

7. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

21.3.2016
AMD

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Date: 21.3.2016

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