

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.5820 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in Crime No.24 of 2016 of Anaparthi Police Station, East Godavari District registered for the offences punishable under Sections 376, 420 and 312 IPC.

Heard and perused the material on record.

Learned counsel for the petitioner fairly contended that the de facto complainant having knowledge that the petitioner is a married person subjected herself to sexual relationship with him and that she has given consent for sexual relationship with the petitioner in which case no ingredients under Section 376 IPC would attract, and hence, the petitioner has never committed any such alleged offence.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court is of the view of that since the matter is under investigation, the petitioner is at liberty approach before this Court for seeking appropriate relief if any charge sheet that may be filed by the police after completion of investigation. However, the petitioner/accused is always at liberty to raise all the contentions as raised herein before the concerned police, which can consider the same, and hence, the criminal petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 21-04-2016

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