

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.M.P.No.7356 of 2016 and Crl.M.P.(SR).No.18786 of 2016

and

Crl.P.No.6118 of 2016

ORDER

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The petitioner/accused filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.99 of 2016 of Nallakunta Police Station, Hyderabad City, registered for the offence punishable under Section 376(2)(k) IPC., against him.

2. It is alleged in the complaint that the de facto complainant was appointed as child care taker in the house of the accused on 07.06.2015 through Vanitha Center, Kolkatha, and that on 29.03.2016 at midnight, the accused committed sexual assault forcibly on the de facto complainant. Based on the complaint, the aforesaid crime was registered against the accused.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioner/accused are present and are identified by their respective counsel. They filed the petitions seeking to compound the offence alleged and to quash the proceedings against the petitioner/accused. The second respondent stated before this Court that she had participated in sexual intercourse with the accused on her own accord and she does not want to prosecute the petitioner/accused in the aforesaid crime. It is also represented that at the time of granting bail, she filed an affidavit before the Court concerned informing the same

and the said Court granted bail to the petitioner. When the learned Public Prosecutor asked the victim, she reiterated the same.

4. In view of the compromise arrived at between the parties, continuation of criminal proceedings against the petitioner/accused would be a futile exercise. But the offence alleged against the petitioner is non-compoundable. In a case of this nature, 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 involving non-compoundable offences. Therefore, it is just and proper to quash the criminal proceedings against the petitioner/accused.

5. Accordingly, both the CrI.M.Ps. are ordered. Consequently, the Criminal Petition is allowed and the proceedings in Cr.No.99 of 2016 of Nallakunta Police Station, Hyderabad City, are quashed against the petitioner/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

25th April, 2016

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