

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.6163 of 2013

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/accused for quashment of the Proceedings in C.C.No.162 of 2011 on the file of X Metropolitan Magistrate, Cyderabad at Malkajgiri. On a complaint lodged by the second respondent/complainant, the Police of Kushaiguda Police Station registered crime No.588 of 2010 and after investigation laid charge sheet against the accused for the offence under Section 420 IPC. The trial Court took cognizance of the offence and registered the same as C.C.No.162 of 2011.

The allegations in the charge sheet are that the Complainant-Kum Gattigorla Komala is a private employee and the petitioner is her brother-in-law. The petitioner lured the complainant on the false promise of marrying her and enjoyed her sexually. Ultimately, he betrayed her when the elders proposed for fixing a date of their marriage. Hence, the Charge sheet.

Learned counsel for petitioner vehemently argued that the material placed by the prosecution do not show that the petitioner on the false promise of marrying the complainant had sexual intercourse with her and on the other hand, the allegations would only show that both of them had promiscuously cohabitated and thereafter the elders forced the petitioner to marry the complainant and hence in the light of these allegations, the offence under Section 420 IPC do not attract as there was no promise on the part of accused to marry her and hence, the charge sheet is liable to be quashed.

On the other hand, learned counsel for Respondent No.2/complainant and the learned Public Prosecutor have argued that the material would show that the accused by using the close relationship with the complainant lured her on the false promise of marriage and had sexual intercourse with her and therefore Section 420 IPC is maintainable.

Be that it may, the Charge sheet was filed in this case and it appears, the matter is coming before the trial Court for framing of charges. As such, it is not an appropriate stage to quash the proceedings. However, liberty can be given to the accused to seek for discharge by moving proper application by putting forth all the pleas legally available to him.

In the result, this Criminal Petition is disposed of with an observation that the petitioner/accused is at liberty to move an appropriate application before the trial Court seeking for discharge by taking all the pleas legally available to him and on his moving such an application, the trial Court shall dispose of the same on merits at the earliest.

Consequently, the miscellaneous petitions, if any, pending in this case shall stand closed.

U. DURGA PRASAD RAO, J

Date: 08.03.2016
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Crl. P. No.6163 of 2013

Dt. 08.03.2016

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