

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15311 OF 2016

ORDER:

This criminal petition, under Section 482 of Criminal Procedure Code, 1973, is filed to quash the proceedings in Cr.No.554 of 2016 of Saifabad Police Station, registered against the petitioner for the offence under Section 354-D, 509 and 507 of Indian Penal Code, 1860.

The petitioner is a senior Auditor, Accountant General E & RSA. The second respondent/ de-facto complainant is also working in the same office. She lodged a complaint against the petitioner making serious allegations alleging that one person by name Umakant Meher, the petitioner herein, sending messages to her and used to call her at odd timing since 2013. She warned him, later he stopped to calling her, for some time. Thereafter, started writing letters to her and her friends, from 2015. The petitioner herein sending letter to her friends using pseudonymous letters, referring the second respondent/ de-facto complainant. On 26.09.2016 the friend of second respondent/ de-facto complainant by name Mandakranth Nanth Choudhary received a letter by speed post, in which the petitioner mentioned complainant's regular activities. On 27.09.2016, when she came to her office and got the letter and noticed in that letter, the petitioner used vulgar language to disgrace her character and he insulted her modesty and also threatened her with dire consequences and thus, the police on the strength of the same

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registered the above crime for the offence punishable under Sections 354-D, 509 and 507 IPC.

Section 354-D IPC prescribes the punishment for Stalking that imprisonment of either description for a period of three years, on first conviction, and shall also be liable to fine, and if it repeated, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine. The other two offences alleged in the complaint are bailable offences.

However, the allegations made in the petition attributing serious misconduct to the petitioner, being a senior Auditor, appears to be disparaging, moreover, the allegations made in the complaint are sufficient on the face value of it to constitute an offence punishable under Section 354-D IPC and other offences, since writing such letters sending messages despite her protest is a matter of serious consequence at working place and such acts are also governed by provisions of protection of women at work place from sexual offences Act, therefore, I find no ground to quash the proceedings in Crime No.554 of 2016.

However, the petitioner being a senior Auditor in the office of Accountant General, apprehending his arrest by the Police in connection with the above crime.

Hence, the Police, Saifabad Police Station, Hyderabad, is directed to follow the procedure contemplated under Section 41-A Cr.P.C. and the guidelines laid down by the Apex Court in

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ARNESH KUMAR V. STATE OF BIHAR¹, before effecting the arrest of the petitioner.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 27.10.2016
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¹ (2014) 8 SCC 273