

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2048 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-2 A-4 and A-5 in Crime No.4 of 2016 of Vetapalem Police Station, Prakasam District registered for the offences punishable under Sections 366-A, 376 IPC, Section 23 of Juvenile Justice Act and Section 3 (ii) (VA) of SC ST (Prevention of Atrocities) Act, 1989 and Section 6 of POCSO Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor and perused the material available on record.

The main grievance of the petitioners is that there are no specific allegations against the petitioners in the complaint attracting the provisions of the alleged offences and in that in the absence of specific allegations, no case is made out against the petitioners and that the proceedings can be quashed.

A perusal of the Remand Report would reveal that there was a panchayat in the presence of the petitioners and others in which the family of A-1 was made to pay an amount of Rs.50,000/- towards fine to the victim girl viz., Mekala Suvatha and agreement was entered into on the ground that the victim girl got pregnant by A-1 Durga Prasad. The remand report further disclosed that the names of the petitioners were showed as accused on the ground that there is prima facie case against them. Whether the petitioners have committed the alleged offences or not will be decided during the course of investigation and the same cannot be decided at this stage.

Having regard to the facts and circumstances of the case and in view of the nature of the offences alleged against the petitioners, this Court is of the view that it is not a fit case where the proceedings can be quashed invoking the jurisdiction under Section 482 Cr.P.C. At this stage, the learned counsel for the

petitioners stated that in view of pendency of the above crime, the petitioners are apprehending of their arrest.

Considering the request of the petitioners, the concerned police are directed to complete the investigation, without arresting the petitioners and file final report before the Court. The police are further directed to issue notice to the petitioners to appear before them for the purpose of investigation and on such notice, the petitioners are directed to appear before the police for investigation and also to give an undertaking for their future appearance in connection with the investigation.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 26-02-2016

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