

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.3338 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.42 of 2016 of Gandhinagar Police Station, Hyderabad, registered for the offences punishable under Sections 354 IPC.

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

The main contention of the learned counsel for the petitioner/accused is that on the earlier occasion, the 2nd respondent/de facto complainant lodged a complaint against the petitioner/accused on 16-01-2016 to the Begum Baazar police station and the same was not mentioned in the present complaint. The alleged incident in the present complaint, according to the 2nd respondent/de facto complainant, took place in the month of December 2015 and the complaint was lodged on 06-02-2016 and there was delay in lodging the complaint.

On perusal of the complaint, it reveals that specific allegations are alleged against the petitioner/accused constituting the offences, much less the alleged offence and if the said allegations are taken at their face value and accepted in its entirety, prima facie, a case is made out against the petitioner, the truth or otherwise of which can be necessarily ascertained 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 nature of the offences alleged are serious in nature, this Court is not inclined to interfere with the proceedings. However, in view of the submission of the learned counsel for the petitioner that the petitioner/accused is apprehending arrest due to pendency of the crime, the police concerned are directed to complete the investigation without arresting the petitioner/accused and file final report, if any, before the concerned Court in accordance with law. The police are also directed to take into consideration the plea of the petitioner/accused regarding the earlier complaint alleged to have lodged on 16-01-2016 and the delay in lodging the said complaint, during the course of investigation. In the event of necessity, the police concerned are at liberty to issue a notice to the petitioner for the purpose of investigation and on receipt of such notice, the petitioner shall appear before the police. In the event of failure on the part of the petitioner/accused to appear before the police, the police are at liberty to approach this Court for recalling the present order.

Accordingly, the criminal petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 15-03-2016

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