

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

Crl.P.M.P.Nos.2286 & 2287 of 2017

IN/AND

CRIMINAL PETITION No.2329 of 2017

ORDER:

Pending disposal of the quash petition filed by the accused persons 1 to 5 of PRC.No.19 of 2016 on the file of I Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, for the offences under Sections 376, 417 & 506 IPC vide FIR.No.854 of 2014 of P.S. Saifabad, so far as 2nd respondent-defacto complainant and 1st accused/1st petitioner concerned for others did not present, they want to settle the matter by compounding the offence and sought for quashing by according permission in Crl.P.M.P.Nos.2286 & 2287 of 2017.

No doubt the offence under Section 376 IPC is affecting moral turpitude as the offence with adverse impact on society to compound as per the settled law. However, the fact remains herein that defacto complainant and A.1 married even from the covered allegations of FIR with a promise to marry he went back, which made her to give report to register the crime. It is not a case of an offence of rape against her consent in the factual matrix to consider with reference to the settled expressions.

Having regard to the above and the fact that the defacto complainant and A.1 are living together out of the marriage which riped from the lover affair and in their wedlock they got a male child aged 7 months and they also brought the child, this Court feels it just to permit as otherwise it get the adverse impact on the future of the child and the defacto complainant. Thereby the

permission is accorded to compound the non-compoundable offence so far as A.1 concerned by allowing the petition.

In view of the fact for other concerned had it they come, the case could be compounded and so far as offence under Section 376 IPC or 417 or 506 IPC are mainly against A.1/petitioner since compounded by virtue of the order supra, this Court feels that continuation of the proceedings against the other accused also not but abuse of process, thereby to sub serve the ends of justice the proceedings are quashed instead of driving for appearance of the other accused and complainant from far away place.

Accordingly and in the result, the CrI.P.M.P.Nos.2286 & 2287 of 2017 and the criminal petition are allowed and the accused are acquitted and the bail bonds of the accused if any shall cancelled.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 03.08.2017
ska