

The Hon'ble Smt. Justice T.Rajani

Criminal Petition No.8494 of 2017

Date: 03.10.2017

Order:

This Criminal Petition is filed by the petitioner/accused in Crime No.650 of 2017 on the file of Medipally Police Station, Rachakonda Commissionerate, Ranga Reddy District, seeking to quash the proceedings against him.

The learned Public Prosecutor (TS) takes notice for the respondents. Heard the learned Counsel for the petitioner and perused the record.

The learned Counsel for the petitioner contends that respondent No.2/Complainant has been after the petitioner and that two cases have already been booked against him at her instance. He contends that from the contents of the complaint, it can be understood that a false allegation was made by the petitioner that she was subjected to rape on 18-08-2017, as, on the very same date, she alleges the petitioner to have been following her while she was coming to the Court. The learned Counsel wanted to point out an improbability by producing the docket proceedings in C.C.No.1091 of 2015 wherein the absence of the complainant on 18-08-2017 was recorded. He contends that if respondent No.2 was absent and the petitioner was present in the Court on 18.08.2017, the alleged incident cannot take place.

A perusal of the complaint does not show the date on which respondent No.2 went to the Court. After all the incidents, which were mentioned in the first part of the complaint, took place, the alleged rape is stated to have been committed on her on 18.08.2017. If we read the complaint in that manner, the improbability pointed out by the learned Counsel for the petitioner cannot be appreciated. Only, when further investigation is taken up, the true facts pertaining to the alleged incident on 18.08.2017 will come to light. Hence, quashing the proceedings at this stage is not advisable.

Subject to the above observations, the Criminal Petition is dismissed. However, considering the fact that the petitioner has already been facing prosecution in two earlier complaints filed by respondent No.2, respondent No.1- authorities are directed not to arrest the petitioner until further investigation is take up and the evidence on record *prima facie* reveals his complicity in the subject Crime.

As a sequel to dismissal of the Criminal Petition, Crl.M.P.No.9096 of 2017, filed by the petitioner for interim relief, is disposed of as infructuous.

(T.Rajani, J)

