

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9085 of 2017

ORDER:

Heard learned counsel for the petitioner/ accused of Crime No.784 of 2017 dated 16.06.2017 on the file of KPHB Police Station, Cyberabad, Hyderabad, registered for the offences punishable under Sections 376, 417, 420, 506 and 509 I.P.C. and also learned Public Prosecutor representing the State.

Perused the handwritten four pages report of the de facto complainant, a private employee, aged about 46 years making the allegations against the accused, aged 41 years, particularly in relation to an alleged offence taken place four years back of their moving freely, but for, with an allegation of he introduced to some of his friends as if wife or even stated to his parents to marry, there is nothing to show either inducement or with any promise and without free consent, there was any sexual intercourse between them to constitute any offence under Section 376 I.P.C. even from reading of Sections 39 and 90 I.P.C. but for if at all apart from the belated report after five years attract Section 417 I.P.C. If that is so, barred by limitation if not of Section 420 I.P.C., thereby the investigation shall go on. However, not to arrest the petitioner/ accused pending investigation and this will not prevent the police to secure his presence in the course of investigation as and when required. All defences are left open.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.09.2017
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