

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1472 OF 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/Accused requesting to quash the proceedings in Calender Case No.176 of 2016 on the file of the Judicial Magistrate of First Class-cum-Special Mobile Court, Kurnool.

The petitioner alleged to have committed the offences punishable under Sections 417, 493 and 420 IPC.

Sri C.Sharan Reddy, learned counsel for the petitioner, would submit that it is a clear case of abuse of process of law and proceedings in the aforesaid Calender Case against the petitioner is liable to be quashed, for the reason, the very complaint allegations would reflect that in the year 2001, the petitioner and *de facto* complainant, some how, fell in love and, from 2006 onwards, they had intercourse and lived together by tying thali at Mahanandi Temple and, in 2013, when the petitioner was selected for the post of Sub-Inspector, he refused to marry the *de facto* complainant and, when the matter was placed before the elders, the petitioner revealed that he was already married and, immediately thereafter, the *de facto* complainant filed the present complaint.

Further submission of the learned counsel for the petitioner is, the very fact that the petitioner and the *de facto* complainant lived together for quite considerable time, on one hand, and the *de facto* complainant demanding the petitioner for marriage after he became Sub-Inspector of police, would not go together and, therefore, requests to quash the proceedings in the aforesaid Calender Case.

The charge sheet is perused. Since no other documents are filed, except the charge sheet in which the sequence of events have been detailed meticulously besides averring that the petitioner promised to marry the *de facto* complainant in public and taken her to his house and after completion of his training, he declined to marry her and that prompted the *de facto* complainant to lodge the complaint. In the presence of such allegations on record, it is too difficult to hold that the prosecution of the petitioner in the Calender Case would amount to abuse of process of law. There is no merit in the present petition.

The Criminal Petition is, accordingly, dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in this criminal petition, stand closed.

A. SHANKAR NARAYANA, J

22nd February, 2017
v v