

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.594 OF 2017

ORDER:

The present Petition is filed by accused No.2 in Crime No.365 of 2016 of Vikarabad Police Station under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the said Crime.

2. The petitioner is alleged to have committed the offences punishable under Sections 363, 376, 109 IPC and Sections 4 and 17 of the Protection of Children from Sexual Offences Act 2012 (for short 'Act 2012').

3. Heard Sri Vikhar Ahmed, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel has pleaded the innocence and false implication of the petitioner. According to the learned counsel, the petitioner neither known accused No.1, nor accused No.3, nor owner, nor driver of the vehicle i.e., Sky Blue coloured Tata (Vista) Car bearing registration No.AP 29AT 1531, and the police deliberately shown the petitioner as accused No.2, though, he is not related nor friend of accused No.1, nor accused No.3. Accused Nos.1 and 3 were already remanded to judicial custody and, therefore, sought to quash the proceedings.

5. The learned Additional Public Prosecutor resisted the request, submitting that the petitioner herein strongly supported accused No.1 and closely monitored the entire execution of plan and arranged a rented room at Mairyapuram of Kadapa belonging to his close relative and, therefore, it cannot be said that the petitioner is totally innocent.

6. The relevant file is also placed for perusal of this Court. The facts would show that one Yennepally Rajavardhan Reddy filed a complaint on 11.12.2016 at about 17.00 hours with Station House Officer, Vikarabad Police Station stating that on 10.12.2-16 at about 10.30 hours, his daughter, Kumari Yennepally Pavani, aged 17 years, studying Intermediate was found missing from Vikarabad from his relative's house and she did not return home and, thus, requested to take action.

i) When the investigation was under progress, on 21.12.2016, the missing girl, Kum. Yennepally Pavani, along with her parents went to Vikarabad Police Station and made a statement, on which, the section of law was altered from "girl missing" to that of offences punishable under Sections 363, 376 IPC and Sections 3(a) and 4 of the Act 2012. Accused Nos.1 and 3 were produced before the learned Judicial Magistrate of First Class, Vikarabad, and even the Tata Vista Car bearing registration No.AP 29AT 1531 was also seized from the possession of accused No.3 and produced before the learned

I Additional District Judge - cum - Metropolitan Sessions Judge,
L.B. Nagar, Ranga Reddy District, Vikarabad.

ii) The allegation against accused No.3 has been that knowingly he arranged his Car to drop accused No.1 and LW.7 from Vikarabad to Jadcherla. The confessional statement of accused No.1 was to the effect that the petitioner - accused No.2 arranged a rented room of his relatives at Kadapa, as he is a close friend of accused No.1.

7. When the investigation is under progress and the petitioner is yet to be apprehended and there is material on record, *prima facie*, to show the complicity of the petitioner in the commission of offences levelled against himself and accused Nos.1 and 3, it is not a case, where the investigation against the petitioner can be viewed as nothing but abuse of process of law.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.

Mgr