

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1370 OF 2017

ORDER:

Heard Sri K.L.N. Swamy, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

2. The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed seeking to quash the First Information Report in Crime No.9 of 2017, dated 07.01.2017, of Dwaraka Tirumala Police Station, West Godavari District.

3. The petitioner - accused viz., Yandamuri Srinivas Rao alleged to have committed the offences punishable under Sections 376(2)(n), 417 and 420 of the Indian Penal Code, 1860.

4. The complaint averments are to the effect that the *de facto* complainant was lured by the petitioner saying that he would marry her and had cohabitation with her as she submitted herself on the promise made by him and, thus, it went on for about an year and thereafter, he turned around and refused to marry her. The *de facto* complainant even mentioned in the complaint that if the data of 'SIM Nos.9912134440 and 9397622229' is verified, things would come out.

5. No doubt, learned counsel for the petitioner has made an attempt to convince this Court that the *de facto* complainant is a major and, therefore, it cannot be said that the petitioner has committed the offences alleged against him and, therefore, seeks to quash the proceedings.

6. On the face of the complaint itself, certainly it is not a deserving case for quashing the proceedings. Investigation requires to be done to unearth the truth.

7. Learned counsel for the petitioner would request that the procedure envisaged under Section 41A of the Code of Criminal Procedure, 1983, be resorted to.

8. The proviso to Section 376(2)(n) of IPC shows rigorous imprisonment for a term which shall not be less than ten (10) years and may extend to imprisonment for life, in which case, the direction sought for by the learned counsel cannot be given.

9. Accordingly, the Criminal Petition is dismissed at the admission stage itself.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

February 17, 2017.

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