

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.10044 of 2017

ORDER:

This Criminal Petition is filed, under Section 482 Cr.P.C., by the petitioner/accused, seeking to quash the proceedings in Crime No.69 of 2017 of Bejjur Police Station, Kumram Bheem District, registered under 'women missing.'

2. A complaint was lodged by one Sedmeka Bheemaiah S/o Lasum Baba, informing the police about missing of his daughter by name S.Premalatha since 02.08.2017. On the basis of said complaint, police registered the aforesaid crime. During investigation, the police recorded the statement of said Premalatha 31.08.2017, wherein she stated that the petitioner committed rape on her promising to marry her. It is further stated that when the victim girl requested the petitioner to marry her, the petitioner abused her in filthy language saying that "the victim belongs to koya community and the petitioner is a Muslim and he openly said that he will not marry the victim girl and also abused her in filthy language and threatened her not to disclose the incident to anybody" and thereby, committed breach of his promise, and now she is conceived.

3. Admittedly, the complainant belongs to Scheduled Tribe community. During investigation, the police filed Memo altering the Section of law from 'women missing' to Sections 417, 420, 506 IPC and Section 3 (i) 1(r) (w) of the Scheduled Cates and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The material produced by the learned Additional Public Prosecutor for the State

of Telangana *prima facie*, discloses that the petitioner committed rape on the victim girl and due to rape she is conceived.

4. Now the question is whether the petitioner has any intention at the time of incident to deceive the victim girl, is a question of fact and evidence collected during investigation and at this stage the proceedings against the petitioner cannot be quashed. The statement of victim girl recorded on 31.08.2017 clearly discloses that the petitioner committed rape on her and she is conceived. Therefore, at this stage, this Court cannot exercise the inherent powers under Section 482 Cr.P.C., to scuttle legitimate prosecution when the material on record discloses *prima facie* case against the petitioner. Hence, the criminal petition is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

NOVEMBER 02, 2017
YVL

M. SATYANARAYANA MURTHY, J

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Date: 02.11.2017

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