

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.323 OF 2018

ORDER:

This petition is filed by the petitioner-sole accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.145 of 2015 on the file of the Station House Officer, Chapadu Police Station, YSR Kadapa District, registered for offences punishable under Sections 452 and 376 r/w 511 IPC.

2. Heard learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case. No incident took place as alleged in the F.I.R., dated 21.08.2017. In fact, the husband of the 2nd respondent by name, L.Prasad Reddy, forced the petitioner to record false M Book entries relating to the bore well and seek payment under the Government scheme. Further, the husband of the de facto complainant, without constructing new bath room as envisaged in the scheme, sought money for the bath room already constructed. When the husband of the de facto complainant indulged in criminal activities, the petitioner lodged a report with the police on 15.07.2017 and that a crime was registered against the husband of the de facto complainant by the police for the offences punishable under Sections 353, 323 and 506 r/w 34 IPC and 3 (1) (r) (s) of SCs & STs (POA) Amendment Act, 2015. As a counter-blast, this case is registered against the petitioner and ultimately, prayed to quash the proceedings.

4. On the other hand, Mr.Posani Venkateswarlu, learned Public Prosecutor representing the 1st respondent-State would submit that there are specific and grave allegations in the report lodged with the police, dated 19.08.2017, which reflects constitution of cognizable offences. Pursuant to the same, the instant crime is registered, vide F.I.R.No.145 of 2017, dated 21.08.2017 and the investigation is pending. The truth or otherwise of the allegations are required to be decided after due trial and ultimately, prayed to dismiss the petition.

5. In view of the submissions made by both parties, the point for determination is whether the proceedings instituted in Cr.No.145 of 2017, dated 21.08.2017 are liable to be quashed?

6. The F.I.R. lodged with the police by the 2nd respondent-L.Rama Devi, reveals that she has constructed bath room under N.T.R. Jalasiri scheme. On 11.07.2017, Smt. Radha Kumari (J.E.), M.Srinivasulu Reddy, Field Assistant, A.Obulesu, Technical Assistant (petitioner herein) and other officials visited her house for inspection and left the scene. After some time, the petitioner said to have went to the house of the de facto complainant observing her alone stated that he has to take photographs of the bath room. He straight away entered into the house and demanded the de facto complainant to have sex with him and made certain attempts in that process. There are also specific allegations with regard to the petitioner making such attempts. On a report given by the de facto complainant, dated 19.08.2017, this case is registered and it is under investigation. The contention advanced by the learned counsel for the petitioner that the petitioner is falsely implicated in this case can only be adjudicated after due trial. As per the material

placed on record, there are allegations constituting the offences punishable under Sections 452 and 376 r/w 511 IPC. The matter requires investigation.

7. Under these circumstances, there are no mitigating circumstances to quash the proceedings in Cr.No.145 of 2017, dated 21.08.2017, pending on the file of the Station House Officer, Chapadu Police Station, YSR Kadapa District. The petition is devoid of merit and is liable to be dismissed.

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

DATED: 19-01-2018.
Hsd

DR.SHAMEEM AKTHER, J

