

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1139 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1 to quash the proceedings in Crime No.137 of 2017 on the file of the Buchireddypalem Police Station, SPSR Nellore District, registered for the offences punishable under Sections 354, 354-D, 506, 341, 448 read with 34 of I.P.C., Section 3(1)(w)(i), 3(1)(w)(ii) & 3(2)(va) of SCs & STs (POA) Act.

2. Heard the learned counsel for the petitioner/A.1, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is an innocent person and falsely implicated in the case. The petitioner/A.1 did not outrage the modesty of the de-facto complainant. In order to harass the petitioner/A.1, a false report was lodged with the police and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor would submit that the de-facto complainant is a women belonging to Schedule Tribe. The First Information Report discloses that the offences enumerated above. Therefore, the request of the petitioner/A.1 cannot be acceded to.

5. The point for determination is whether the proceedings in Crime No.137 of 2017 on the file of the Buchireddypalem Police Station, SPSR Nellore District can be quashed.

6. The material on record reveals that on 13.06.2017, at 19:00 hours, when the de-facto complainant was proceeding along with her sister to attend the calls of nature, the petitioner/A.1 and other accused alleged to have caught hold of her dress and torn it and outraged her modesty. There are also allegations of criminal trespass and threatening the de-facto complainant with dire consequences. There are eye-witnesses to the alleged incident. Basing on the report lodged by the de-facto complainant on 20.06.2017, the instant crime is registered and is under investigation. There are specific allegations of outraging of modesty of the de-facto complainant. It cannot be held that a false case is foisted against the petitioner/A.1. The innocence or otherwise of the petitioner/A.1 can only be determined after investigation. Therefore, the investigation has to go on to find out the same. The Criminal Petition is devoid of merit and is liable to be dismissed.

7. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

02nd February, 2018
Bvv