

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1220 OF 2018

ORDER:

This petition is filed by the petitioners-A1 to A3 under Section 482 Cr.P.C. to quash the proceedings in Cr.No.3 of 2018 on the file of the Station House Officer, Chunchupalli Police Station, Bhadradi, Kothagudem District, which was registered for the offences punishable under Sections 376 and 506 IPC.

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

3. Learned counsel for the petitioners would submit that at the most the allegations may constitute the offence punishable under Section 417 IPC. There cannot be any offence against the petitioners-A2 and A3 under Section 376 IPC. The petitioners-A2 and A3 are innocent persons. So also, the petitioner-A1 and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioners in the petition.

5. As per the material placed on record, there was sexual relationship between the petitioner-A1 and the de facto complainant. There is also specific mention in the report, dated 16.01.2018 lodged with the police that the de facto complainant refused to have sex with the petitioner-A1. The allegations require examination. In view of nature of allegations leveled against the petitioners-A2 and A3, the Investigating Officer shall not arrest the petitioners-A2 and

A3 and complete investigation with regard to their innocence or otherwise and file final report or charge sheet as the case may be.

6. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 06-02-2018.

Hsd

