

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1538 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking to quash the proceedings against them in Crime No.936 of 2017 on the file of the Mailardevpally Police Station, Ranga Reddy District, for the offences under Section 354 of the Indian Penal Code and Section 9 read with Sections 10 and 12 of POCSO Act, 2012.

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

3. The learned counsel for the petitioners/accused would submit that the petitioner is an innocent person and he was falsely implicated in this case. His wife is working as Principal in Ever Shine School, Noor Colony, Vattepally, Rajendranagar, Ranga Reddy District and that the petitioner is not at all a teacher in the said School. All the allegations levelled in the complaint are false. The *de facto* complainant and others demanded Rs.5 lakhs to close the complaint.

4. Learned Additional Public Prosecutor opposed the relief sought by the petitioner.

5. Point for determination is whether the proceedings in the said crime number can be quashed.

6. The material on record reveals that the *de facto* complainant made a report to the police on 24.10.2017 wherein she has stated

that her daughter by name Mehraj Unnisa is 12 years and she is studying VI Class in Ever Shine School. In that school, there is a teacher by name Mushtaq, the petitioner herein. The said Mushtaq has been harassing and threatening her daughter since last few days by touching breasts, thighs and other private parts of her daughter with his hands. Due to fear, her daughter refused to go to school. When she enquired, she came to know the reason for not going to school. The report further reveals that the said teacher i.e. the petitioner herein indulged in those activities with some other girl students of the school.

7. The allegations are grave in nature and are required to be investigated. Whether the *de facto* complainant demanded any money also requires investigation. The innocence or otherwise of the petitioner can only be determined in the course of investigation. There is record to show that the petitioner has done the abovementioned activities. Continuation of proceedings would not be abuse of process of law. The Criminal Petition is devoid of merits and is liable to be dismissed.

8. The Criminal Petition is dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

12th February 2018
RRB