

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.3331 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.15 of 2018 on the file of the Station House Officer, R.P.S., Nizamabad, registered for the offences punishable under Sections 354-D and 509 IPC.

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

3. Learned counsel for the petitioner would submit that the petitioner is working as Railway Police Constable. He did not commit the alleged offence. He did not misbehave with Mounika. No telephone number was given to Mounika. The petitioner is preparing for various competitive examinations. The victim did not lodge report in this case. Omnibus allegations are made in the report. There is no application of Section 509 IPC and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor would submit that the allegations made in the F.I.R. lodged with the police reveals commission of offence under Sections 354-D and 509 IPC and ultimately, prayed to dismiss the petition.

5. The report lodged with the police, dated 24.02.2018 reveals that on 23.02.2018 at 9.30 hours the victim-Mounika along with the relatives reached Railway Platform No.1 at Nizamabad in order to go to Basara. The petitioner in uniform alleged to have misbehaved with the

victim and gave a slip, wherein the mobile phone number of the petitioner was written and asked Mounika to speak to him over telephone. On that, the victim got mentally disturbed and she informed the same to her brother-in-law. On that a case was registered and it is under investigation. There are direct witnesses to the alleged incident in the report lodged with the police, dated 24.02.2018. Under these circumstances, it cannot be said that the petitioner is an innocent person and continuation of investigation is an abuse of process of law. The truth or otherwise of the allegations would come to light after investigation. It cannot be held that there are no grounds to register the F.I.R. for the offences referred above. The petition is devoid of merit and is liable to be dismissed.

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

DATED: 16-03-2018.

Hsd

DR.SHAMEEM AKTHER, J