

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3462 of 2018

ORDER:

This Criminal Petition is filed by the petitioner/accused under Section 482 Cr.P.C. seeking to quash the proceedings against them in Crime No.44 of 2018 of Huzurabad Police Station, Karimnagar District, registered against him for the offences under Section 354-B I.P.C. and Section 8 of POCSO Act.

Investigation is reported to be pending.

The brief facts of the case as depicted from the complaint are that on 23-2-2018 when the complainant and his family members went to agricultural fields and his minor daughter was at home, at that time, the accused went to their house and seeing her alone, made sexual assault on her by threatening her.

Investigation is reported to be pending.

The submission of learned counsel for the petitioner is that earlier, the petitioner lodged a report before State Human Rights Commission on 28-6-2017 against Circle Inspector of Police, Huzurabad District and as a counter blast, the said Police Officer manipulated a false complaint against the petitioner through the defacto complainant and there is no truth in it.

Learned Counsel would further submit that there is an inordinate delay of more than one week in lodging F.I.R. which falsifies the complaint allegations.

Having regard to the fact that there is a prima facie accusation against the accused and investigation is under way, it is not a fit case to quash proceedings at this stage. Hence, investigation shall lead to a logical end to unearth the truth. However, considering the nature of the offence i.e., Section 354 I.P.C. is punishable upto 7 years and section 8 of POCSO Act is punishable upto 5 years, the Investigating Officer is directed to strictly follow the procedure contemplated under Section 41 A Cr.P.C. towards the petitioner/accused during the course of investigation and the petitioner is directed to cooperate with the investigating agency for smooth completion of investigation.

This Criminal Petition is disposed of accordingly.

As a sequel, miscellaneous applications pending if any, shall stand closed.



JUSTICE U.DURGA PRASAD RAO

Dated 21st March, 2018.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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