

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 3572 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure by the petitioners/A.2 to A.7 to quash the proceedings against them in Crime No.2543 of 2017 of Rajendranagar Police Station, Cyberabad, registered for the offences under Sections 417, 420, 376, 354D1(ii) IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

The investigation is reported to be pending.

A.1 is the son of petitioners 1 and 2/A.2 and A.3, petitioners 3 and 4/A.4 and A.5 are the sister and brother of A.1 and petitioners 5 and 6/A.6 and A.7 are the uncles of A.1.

The complaint allegations, in brief, are to the effect that A.1 and the *de facto* complainant fell in love with each other. The *de facto* complainant belongs to 'Scheduled Caste' community. A.1 on the pretext of marriage continued his love with the complainant and in fact on 16.02.2017 he married her at Yadadri without the knowledge of his family members and thereafter, had sexual cohabitation with her, as a result of which, she conceived and begot a son also. Thereafter, A.1 discarded her on the ground that she belongs to SC community and he belongs to 'Backward Class' community and his parents did not agree for their marriage. Her further allegations are that on 21.03.2017, A.1 left for Canada and on 13.12.2017 when the complainant along with her parents and relatives went to the residence of the petitioners and informed about her marital relationship with A.1, they abused her in the name of her caste and did not admit her into their house as daughter-in-law. The investigation is reported to be pending.

Learned counsel for the petitioners while denying the complaint allegations submits that the entire complaint allegations are aimed against

A.1 and in the last part of the complaint, it is falsely stated as if on 13.12.2017 when the complainant went to the house of the accused, they abused her and did not admit her into the house only to rope them in the offence. He thus, prayed to quash the proceedings on the ground that the petitioners have nothing to do with the offence and further, the petitioners 1 and 2 are aged persons and the third petitioner is married sister of A.1 and she is leading marital life with her husband.

Learned Additional Public Prosecutor would submit that the investigating officer issued notice under Section 41-A of CrPC., to the petitioners and invited their explanation.

As rightly submitted by the learned counsel for the petitioners, even if the complaint allegations are held to be true, the allegation against the petitioners are only to the effect that on 13.12.2017 when the complainant went to their house, they abused her in the name of her caste and did not admit her into the house as daughter-in-law. Even as per the complaint allegations, the petitioners did not know about the alleged marriage between A.1 and the complainant and their marital life. Having regard to this factual scenario, the investigating officer, who seems to have already issued notices under Section 41-A Cr.P.C., during the course of investigation, shall proceed with the investigation and take it to the logical conclusion. He shall not arrest the petitioners/A.2 to A.7 during the course of investigation. The investigation shall be concluded at the earliest.

The criminal petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, shall stand disposed of.

U.DURGA PRASAD RAO, J

27.03.2018
pln