

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6202 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in crime No. 98 of 2018 of RIMS U/G Police Station, Kadapa District, registered for the offences punishable under Sections 354-B, 506 and 509 of IPC.

2. Respondent No. 2 lodged a report with the police on 09-04-2018 alleging that while she was on duty on 09-04-2018 at about 10 a.m. in RIMS Hospital, Kadapa, the petitioner came to her and demanded her to satisfy his lust; that thereupon, she chastised him and that thereafter the petitioner threatened to see her end. Basing on the report, the above crime was registered for the offences referred *supra*.

3. The present petition is filed on the ground that there is abnormal delay in lodging the report as the incident allegedly occurred on 09-04-2018 at about 10 a.m. at RIMS Hospital but the report was lodged at 7.30 p.m. and the police station is at a distance of half a kilometer from the scene of offence; that the petitioner was already removed from service by proceedings dated 27-03-2018 and therefore question of his entering into the hospital as supervisor after his removal and demanding respondent No. 2 to satisfy his lust does not arise and that earlier, a false complaint was lodged by respondent No. 2 for the offences punishable under Sections 323, 355, 509 and 506 of IPC which was settled before Lok Adalat and therefore the alleged commission of the above offences by the petitioner against respondent No. 2 is nothing but an abuse of process of the Court.

4. Learned Public Prosecutor (A.P.) has opposed the petition on the ground that the petitioner was harassing female employees sexually in RIMS, Kadapa, during his service and after his removal also and therefore the petitioner deserves no sympathy.

5. The first ground urged before this Court is that there is delay in lodging FIR as the incident occurred at 10 a.m. but the report was lodged at 7.30 p.m. with the police station which is at a distance of half a kilometer. The offences allegedly committed by the petitioner involve prestige of a woman and normally woman will not come forward to disclose the same immediately. When family status involves in such offences, delay is not a ground to quash the proceedings. However, if the delay is explained during trial to the satisfaction of trial Court, the same becomes irrelevant and it is not a ground to acquit the petitioner. Therefore, on the ground of delay, the proceedings cannot be quashed.

6. The second ground urged before this Court is that by proceedings dated 27-03-2018, the petitioner was removed from service but the incident allegedly occurred on 09-04-2018. Merely because the petitioner was removed from service, the possibility of his entering into the hospital taking advantage of his previous employment in the same hospital cannot be ruled out. However, it is a disputed question of fact and at this stage, this Court cannot appreciate the material on record except evaluating the same to come to an independent conclusion. Therefore, such question cannot be decided while exercising power under Section 482 of Cr.P.C.

7. The third ground urged before this Court is that respondent No. 2 earlier filed a complaint against the petitioner which was the subject matter of crime No. 113 of 2013 and the same was settled before Lok Adalat and therefore his committing again the same offences does not arise. If really the petitioner did

commit no offence, question of entering into settlement before Lok Adalat is another strong circumstance. When the petitioner subjected respondent No. 2 to sexual harassment earlier, there is every possibility of his repeating the same. Therefore, on this ground, the proceedings against the petitioner cannot be quashed.

8. The power under Section 482 of Cr.P.C. can be exercised sparingly in exceptional circumstances where the complaint does not disclose commission of any offence or the Court concludes that the complaint was lodged to wreak vengeance or to harass the petitioner but none of these grounds are raised and on the other hand, the grounds raised in the petition, which I answered in the earlier paras, are totally different. Therefore, none of the grounds urged before this Court are sufficient to quash the proceedings against the petitioner. Consequently, the petition is liable to be dismissed.

9. The criminal petition is dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 18-06-2018.
JSK

M.SATYANARAYANA MURTHY, J.