

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10205 of 2011

ORDER:

This criminal petition is filed, by the petitioner, who is A4, seeking for quash of the proceedings against him in Crime No.43 of 2009 on the file of the Veeraballe Police Station, Kadapa. The offence alleged is under Section 466-A IPC.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the 1<sup>st</sup> respondent as well as the counsel appearing for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

3. The father of the victim girl is the complainant in this case. The allegations are that A1, who is brother by courtesy to the victim girl, had committed rape against her and thereafter he asked her to bring the gold articles belonging to her and both of them went to a different place and this petitioner along with others have helped them in leaving their village. After the case was registered, investigation was taken up and charge sheet was filed mentioning that the presence of A4 in the village was not proved.

4. The counsel for the petitioner submits that the presence of the petitioner at his work place is also evidenced by the attendance register and hence it gives support to the contents of the charge sheet.

5. The statement of the victim girl was also recorded under Section 164 Cr.P.C., on the basis of which, the lower court took cognizance of the protest petition filed by the complainant.

6. In view of the above, this court is also of the opinion that when there is a previous statement made by the victim girl that this petitioner was also present along with others and helped A1 in taking her out of the village, the contents of the charge sheet and the attendance register, cannot be considered as weighing over the statement of the victim girl. Hence, unless a detailed enquiry is conducted in the form of trial, the truth of the matter would not come out.

6. In view of the above, this court opines that it is not safe to quash the proceedings against the petitioner.

7. With the above observations, the Criminal Petition is dismissed. However, considering the submission of the counsel for the petitioner that the petitioner is working elsewhere, the court below is directed not to insist upon the presence of the petitioner unless it is necessary for the proceedings of the case.

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

November 12, 2018  
LMV

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T. RAJANI, J