

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11382 of 2018

ORDER:

The petitioner is A1 among five or more accused in Crime No.426 of 2018 of III Town Police Station, Visakhapatnam, registered for the offences punishable under Sections 420, 406 & 506 r/w 34 IPC on the report of respondent No.1 a married women, wife of K.Srinivas Rao.

2. The sum and substance of the accusation is that the *de facto* complainant is the wife of Srinivas Rao and in their wedlock they got two children and the petitioner-A1 lured her by developed acquaintance in parting with her privacy and with that acquaintance they given poses to the photos and he started exploiting and blackmailing and ultimately had sexual intercourse developed with her and separated from her husband and kept separate house for her to continue the life with her at Seethammadara and even in that course he was ill-treating her and surprisingly to give a good bye to her he is going to marry another woman and when she questioned his parents and other members, they all threatened and demanded to part with Rs.30.00 lacs if at all she wants to marry him.

3. Heard the learned counsel for petitioner and the learned Public Prosecutor representing the State-respondent No.2 and perused the material on record.

4. So far as the other accused are concerned, there are no sustainable allegations and this Court undisputedly quashed the crime against other accused persons. So far as the petitioner-A1 is concerned, once that is the accusation of he cheated and he parted with her valuable gold and jewellery by entrusted to him which he misused, there is nothing to quash the F.I.R. so far as the offences under Sections 420 & 406 IPC are concerned, but for Section 506 r/w 34 IPC.

5. Having regard to the above, this Criminal Petition is allowed in part by quashing the crime for the offence under Section 506 r/w 34 IPC and retaining the crime for investigation for the offences under Sections 420 & 406 IPC. All the defences of the petitioner are left open after the police filing of final report. The petitioner if not arrested so far shall not be arrested pending investigation and it will not prevent to secure his presence as and when required for investigation purpose. If he failed to attend, the police strictly follow Section 41-A Cr.P.C. and also the guidelines as held by the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

27.11.2018
MVA

¹ (2014) 8 SCC 273