

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.24735 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners-A.1 and A.2 seeking to quash the proceedings in crime No.175 of 2017 of Ongole II Town police station, Prakasam district registered for the offences punishable under Section 376, 417, 506 read with 34 IPC and 3 (1) (v) (2) (v) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor appearing for respondent-State and perused the record.

3. As per the material placed on record, the defacto complainant lodged a report against the petitioners-A.1 and A.2, who are son and mother, alleging sexual intercourse by petitioner-A.1, and some other allegations against both the petitioners-A.1 and A.2. There is also record to show that previously, the defacto complainant filed report dated 24.9.2017, basing on which police registered a case in crime No.149 of 2017 of Ongole II Town police station, Prakasam district for the offences punishable under Sections 509 IPC and 3 (1) (r) (s), w (i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act against petitioner-A.2. It appears there are strained relationships between the parties to the litigation. It is brought to the notice of this Court that the petitioner-A.2 was arrested in the previous crime and was released on bail. It appears similar allegations are made against the petitioner-A.2 in the instant crime. Therefore, she needs some protection. In the circumstances, the investigating

officer shall not arrest petitioner-A.2 in the instant crime, complete investigation and file final report.

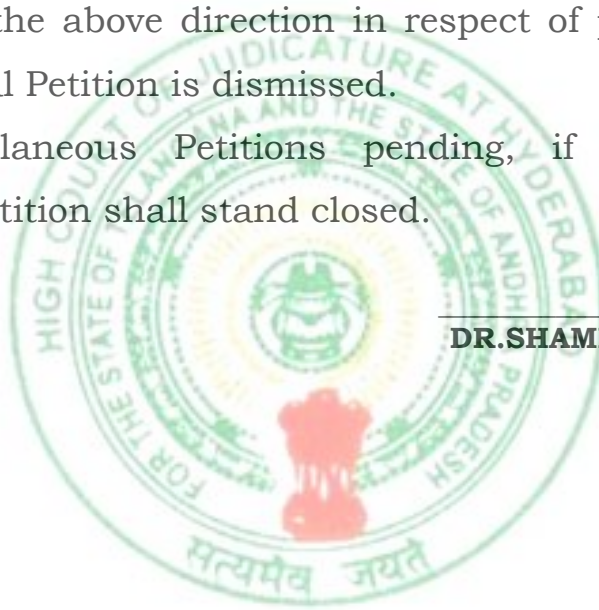
4. As far as petitioner-A.1 is concerned, the allegations show that by deceitful words to marry the defacto complainant, he had committed sexual intercourse with her. There are specific allegations against the petitioner-A.1 constituting a *prima facie* case for the offences as mentioned in the First Information Report. Therefore, there are no grounds to quash the impugned proceedings in respect of both the petitioners-A.1 and A.2.

5. With the above direction in respect of petitioner-A.2, the Criminal Petition is dismissed.

Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

15.02.2018
DRK

DR.SHAMEEM AKTHER, J



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15.2.2018

DRK