

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.7257 of 2019

ORDER:

This criminal petition is filed by the petitioner/accused under Section 482 of Cr.P.C., seeking to quash the proceedings in Cr.No.490 of 2019 on the file of Nacharam Police Station, Rachakonda District, registered for the offences under Sections 420, 493, 376(2)(n) IPC and under Section 3(2)(v) of SCs & STs (POA) Act, against him.

2. Heard the learned counsel for the petitioner/accused; learned Additional Public Prosecutor for the 1st respondent-State and perused the record.

3. It is alleged in the complaint that while the de-facto complainant was in search of job by residing at Nacharam, she got acquaintance with the accused, who is a Lecturer, and she used to ask him to clear the doubts in her subject, and while so, in the month of July, 2017, the accused induced her in the name of love and marriage and forcibly committed sexual intercourse by promising to marry her and since then, he continued the relationship with her, and that on 22.03.2019, both of them went to Wesley Church, Secunderabad, and exchanged marriage rings, but after the accused got job, he refused to marry her and quarrelled with her by throwing locks and bags and also threatened her with dire consequences, thereby cheated her.

4. Learned counsel for the petitioner/accused submits that the petitioner is innocent of the alleged offences and the entire allegations made in the complaint are concocted and created for the purpose of the present case. He further submits that the de-facto complainant, taking advantage of acquaintance with the petitioner, has filed the present case with a view to fulfil her illegal demands. He further submits that though the alleged offence occurred in the year 2017, the de-facto complainant lodged the complaint on 15.10.2019, which clearly shows that she filed a false complaint in order to extract money from him, and thus, he prays to quash the aforesaid proceedings against the petitioner.

5. Learned Additional Public Prosecutor opposed the prayer for quashing of the F.I.R., and submits that the contents of FIR would disclose the cognizable offence against the petitioner and there are serious allegations against him and that the investigation is still pending and therefore, the FIR cannot be quashed.

6. After considering the various decisions including the decision of **State of Haryana v. Bhajan Lal**¹'s Case, I am of the view that there can be no interference with the investigation or order staying arrest of the petitioner unless cognizable offence is not ex-facie discernable from the allegations contained in the FIR or there is any statutory restriction operating on the power of the police to investigate a case. From a perusal of the F.I.R., *prima facie*, it cannot be said that no cognizable offence is made out. Hence, no

¹ 1992 SCC (Crl.)426

ground exists for quashing of the F.I.R or staying the arrest of the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

13th November, 2019.

JUSTICE G.SRI DEVI

sj



