

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 12172 of 2018

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking quashing of all proceedings initiated against the petitioner/accused in C.C.No.265 of 2016 on the file of the VI Metropolitan Magistrate, Medchal, Cyberabad, registered for the offence punishable under Section 420 IPC.

2. The averments in the charge sheet are as under:

The second respondent/*de facto* complainant hails from Kolthuru Village of Shamirpet Mandal, Ranga Reddy District and the petitioner/accused is working as Tahsildar of Dharoor Mandal of Ranga Reddy District. Previously, the petitioner/accused worked as Deputy Mandal Revenue Officer of Shamirpet Mandal. During his tenure in Shamirpet Mandal, for the purpose of supplying ration cards, the petitioner/accused went to the village of the second respondent, developed friendship with her and also promised her that he will marry her after he gets promotion. It is further stated that the petitioner/accused also disturbed the marriage proposals of the second respondent and that, on 22.12.2013, the

second respondent made a complaint before Shamirpet ACP in this regard. Thereafter, the petitioner/accused went to one Manjula at Alwal and there he assured to settle the issue by giving Rs.2.00 lakhs to the said Manjula, within one week, and also obtained the signatures of the second respondent requesting her not to report the matter to the Revenue Divisional Officer and Collector, but he did not return back to the second respondent. Basing on the said allegations, a case in Crime No.70 of 2016 has been registered against the petitioner/accused for the offence punishable under Section 420 I.P.C. Eventually, after completion of investigation, the Sub Inspector of Police, Shamirpet Police Station, Cyberabad, filed a charge sheet against the petitioner/accused.

3. A perusal of the material on record would show that the notice sent to the second respondent returned unserved with an endorsement that 'Party refused'. Hence, heard learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent-State and perused the material available on record.

4. It has been submitted by the learned Counsel for the petitioner that on an earlier occasion, the second respondent filed a report before the District Collector stating that the

petitioner/accused had cheated her and the same was referred to the Revenue Divisional Officer, East, for enquiry. After conducting enquiry, it was found that the complaint lodged by the second respondent against the petitioner/accused is false and also intimated her that a complaint would be launched against her for her illegal acts. At that juncture, the second respondent admitted her guilt and requested the then Revenue Divisional Officer not to initiate any action and tendered apology, thereby she gave a withdrawal letter dated 18.02.2013, wherein she clearly admitted that she filed a false complaint with an intention to blackmail the petitioner/accused and to extort money from him. It is further stated that the petitioner lodged a complaint on 07.02.2015 against the second respondent, which was registered as a case in Crime No.92 of 2015 for the offences punishable under Sections 448, 504 and 506 IPC. It is also stated that only to counterblast to the report given by the petitioner/accused, the second respondent lodged the present complaint in the year 2016.

5. Learned Additional Public Prosecutor though opposed the application, however conceded to the fact that the respondent No.2 on the earlier occasion also filed the complaint against the petitioner and levelled the similar type of

allegations and she tendered apology before the then District Collector and the R.D.O., admitting her guilt and the matter was closed. Subsequently, the present complaint has been lodged on the self same allegations.

6. A perusal of the material available on record would show that on an earlier occasion i.e., on 21.01.2013, the second respondent herein filed a complaint against the petitioner/accused alleging self-same allegations and she had tendered apology before the District Collector, Ranga Reddy District and also to the Revenue Divisional Officer, Ranga Reddy District. The 2nd respondent also gave a withdrawal letter dated 18.02.2013, wherein she clearly admitted that she had filed a false complaint with an intention to blackmail the petitioner/accused and to extort money from him. The record further shows that the petitioner/accused also lodged a complaint against the second respondent alleging that she failed to keep up her promise in getting the medical certificate and to pay back the amount of Rs.50,000/- which was taken by her as hand loan, to which a case in Crime No.92 of 2015 came to be registered against the second respondent for the offences punishable under sections 448, 504 and 506 IPC. The record further reveals that as a counterblast to the report given by the

petitioner/accused, the second respondent lodged the present complaint against him in the year 2016.

7. Therefore, on scrutiny of the material available on record and on consideration of the facts and circumstances of the present case, I am of the considered view that continuing the prosecution against the petitioner/accused will be a futile exercise and would amount to abuse of process of Court and that the powers under Section 482 Cr.P.C. have to be exercised in the present case.

8. For the aforementioned reasons, the Criminal Petition is allowed and the proceedings in C.C.No.265 of 2016 on the file of the VI Metropolitan Magistrate, Medchal, Cyberabad, initiated by the second respondent herein against the petitioner/accused for the offence punishable under Section 420 IPC, are hereby quashed.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

20.09.2019
Gsn/gkv

