

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.467 of 2020

ORDER:

1. This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash Crime No.20 of 2020 on the file of Chikkadapally Police Station, Hyderabad City, registered against the petitioner/accused No.1 for the offences punishable under Sections 354(c), 376, 420 and 506 IPC.

2. Heard learned counsel for the petitioner, learned Additional Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The case of the prosecution in brief is that respondent No.2 got love marriage with one B.Nagender Kumar and after their marriage, they were blessed with a baby boy; that respondent No.2 joined as Nursery teacher in Springboard International Preschool at Chikkadapally, Hyderabad, where the petitioner/accused No.1 is the Managing Director; that the petitioner entrusted to respondent No.2 the works of the Center Head since February, 2019 and as such, the working timings of respondent No.2 changed as 8.30 am to 7 pm from April, 2019; that as the matter stood thus, the petitioner gradually started developing rapport with respondent No.2 and as the petitioner used to make phone calls now and then and respondent No.2 out of obligation used to attend them; that taking undue advantage of the gullible nature of respondent No.2, the petitioner tried to induce respondent No.2 into relationship by

stating that he needed compassion, sympathy and support of respondent No.2 as he was having differences with his wife and that she left his company and intended to divorce her and he would marry respondent No.2; that respondent No.2 was surprised and out-rightly rejected the proposal of the petitioner; that in the month of March, 2019, the petitioner had forcible intercourse and raped respondent No.2 in the school premises; that the petitioner started blackmailing respondent No.2 to satisfy his lust by threatening that he will make the videos and photographs viral in the internet; that the petitioner shifted to a Hostel at Ameerpet and continued to take respondent No.2 to lodges from the school to satisfy his physical needs; that while the matter stood thus, accused No.3-father of accused No.1 lodged a missing complaint; that thereafter, respondent No.2 came to know that accused No.2-the wife of the petitioner returned to the matrimonial home along with three children; and that at that time, all the other accused were present at the Police Station. Hence, the complaint.

4. Learned counsel for the petitioner submitted that respondent No.2 and the petitioner were in a relationship and as per the law laid down by the Hon'ble Apex Court, sexual intercourse in the relationship cannot be termed as rape; that the complaint is a false and frivolous one; that respondent No.2 lodged the present complaint to coerce the petitioner to agree to her unreasonable and impossible demands; that the complaint is filed with mala fide intention and ulterior motives to wreak vengeance and seek

exorbitant sums from the petitioner; and that as both the petitioner and respondent No.2 have subsisting marriages, there cannot be any question of obtaining the consent of respondent No.2 to marry the petitioner. Hence, the learned counsel prayed to quash the aforesaid complaint against the petitioner/accused No.1.

5. Learned Additional Public Prosecutor opposed for quashing the aforesaid F.I.R. and submits that the contents of the F.I.R. clearly disclose cognizable offence against the petitioner.

6. Considering the various decisions including the decision of the Hon'ble Apex Court in *State of Haryana Vs. Bhajan Lal*¹, I am of the considered 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 F.I.R. 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.

7. In view of the aforesaid facts and circumstances of the case, no indulgence can be shown to the petitioner who has come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. However, if the petitioner surrenders before the Court concerned within two weeks from today and files petition praying to

¹ 1992 SCC (CrI) 426

grant bail, the same shall be considered by the Court concerned in accordance with law.

8. Subject to the above direction, the Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

23^d January, 2020
dr

