

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.468 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 petitioners/accused No.2 to 5 for the offences punishable under Sections 354(c), 376, 420 and 506 IPC.

2. Heard learned counsel for the petitioners, 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, the petitioners herein/accused Nos.2 to 5 were present at the Police Station. Hence, the complaint.

4. Learned counsel for the petitioners submitted that the ingredients of the complaint do not attract the aforesaid offences against the petitioners; that after Pre-Litigation Case No.306 of 2019 was closed by the Legal Services Authority, Hyderabad, respondent No.2 filed the present complaint to coerce and harass the petitioners to compel accused No.1 to agree to her unreasonable and impossible demands; and that respondent No.2 did not even advert

to or make any reference to the petitioners except merely adding their names with the sole object of harassing them.

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 offences against the petitioners.

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 petitioners who have come up with this Criminal Petition. Hence, no ground exists for quashing of the F.I.R. The investigation in the aforesaid case may go on. However, no coercive steps shall be taken against the petitioners till the completion of investigation.

8. Subject to the above directions, the Criminal Petition is disposed of.

¹ 1992 SCC (CrI) 426

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

JUSTICE G. SRI DEVI

23^d January, 2020
dr

