

THE HON'BLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.6968 of 2020

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure by the petitioners - accused Nos. 1 to 3 for quashment of the proceedings against them in PRC No.143 on the file of Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar registered for the offence under Sections 417, 420, 376 (2)(n) and 323 of the Indian Penal Code.

2. The facts in brief as can be gathered from the record available before this Court are as under:

a) On 09.06.2020 at 6.00 PM the respondent No.2 – *de-facto* complainant has lodged a complaint before Meerpet Police Station alleging that while she was studying MBA in the year 2015 – 2017 at Malla Reddy College, she got acquainted with petitioner No.1/accused No.1, who is her classmate and in the year 2018 petitioner No.1/accused No.1 expressed his love to her, moved closely with her, took her to his house and by saying deceitful words he participated in sexual intercourse. It is further alleged in the complaint that the petitioner No.1/accused No.1 started avoiding her and on 28.01.2020

when she went to his house to discuss about her marriage, the parents of the petitioner No.1/accused No.1 i.e., Petitioner Nos.2 and 3/accused Nos.2 and 3 abused her, beat her and also refused to accept for her marriage with petitioner No.1/accused No.1. On 03.02.2020 she went to the house of petitioner No.1/accused No.1, wherein the sister of petitioner No.1/accused No.1 abused her and also beat her with hands. The petitioner No.1/accused No.1 alleged to have blocked her in all social media applications. When the respondent No.2 - *de-facto* complainant asked petitioner No.2- accused No.2, she abused her and demanded Rs.50 lakhs as dowry. Thereafter, the petitioner No.1/accused No.1 telephoned to father of respondent No.2 - *de-facto* complainant and warned him to take her from Hyderabad otherwise he would kill her.

b) Based on the said complaint, a case in Crime No.429 of 2020 was registered for the offence under Sections 417, 420, 376 (2)(n) and 323 of the Indian Penal Code. During the course of investigation, the statements of the victim as well as other witnesses were recorded, scene of offence panchanama was conducted in the presence of mediators and in pursuance of the statements of material witnesses, sections 504 and 506 of the Indian Penal Code were added. Accused Nos.1 to 3 were

apprehended at their residence on 10.06.2020 and they have voluntarily confessed to have committed the offence during the course of interrogation. Petitioner No.1-Accsed No.1 was sent for potency examination and after completion of investigation, the investigating agency has filed charge sheet, which is numbered as PRC No.143 of 2020 on the file of Metropolitan Sessions Judge, Rangareddy District at L.B. Nagar.

3. Aggrieved by the proceedings in PRC No.143 of 2020, the present criminal petition is filed by the petitioners/accused Nos.1 to 3 seeking quashment of charge sheet against them on the following grounds:

a) There was no forcible act on the part of petitioner No.1 which does not constitute an offence within the meaning of Section 417, 420 and 376 (2)(n) of the Indian Penal Code and the Police officials without conducting proper preliminary enquiry have falsely implicated the petitioners in this case.

b) The petitioner No.1 never participated in sexual intercourse with respondent No.2 – *de-facto* complainant and the complaint is filed after long time and after thoughts as a counter blast to the complaint given by petitioner No.3 in Crime No. 126 of 2020 and thereby to harass the petitioners.

c) Respondent No.2 – *de-facto* complainant created an instagram application in the name of petitioner No.3 in the social media and using the names of family members of the petitioners as user name and texting in vulgar language which includes life threatening, blaming sexual affairs with petitioner No.3 own brother and her mother and messaged in social media for which the respondent No. 2 – *de-facto* complainant filed this case as a counter blast to the complaint filed by petitioner No.3 in Crime No. 226 of 2020 dated 06.06.2020 under Section 354, 509 of the Indian Penal Code and Section 67 of Information Technology Act.

d) The *de-facto* complainant alleged to have went to the house of the petitioners on 03.02.2020, wherein she was alleged to have been beaten and demanded Rs.50 lakhs by petitioner Nos.2 and 3 but the complaint was lodged on 09.06.2020 i.e., after four months from the alleged incident.

4. Now the point for determination is:

“Whether the proceedings against petitioners/accused Nos.1 to 3 in PRC No.143 on the file of Metropolitan Sessions Judge, Ranga Reddy District at L.B. Nagar, can be quashed under Section 482 of the Code of Criminal Procedure?

5. Heard learned counsel for the petitioners as well as learned Assistant Public Prosecutor, perused the record including the charge sheet.

6. The learned counsel for the petitioners has submitted that the respondent No. 2 – *de-facto* complainant, now present in the Court hall has already been married with other person and that she is not intending to prosecute the case in the trial Court and requested to record the compromise or refer the matter to Lok Adalath.

7. On the other hand, learned Assistant Public Prosecutor has submitted that since petitioners alleged to have committed heinous offence, the request for recording compromise cannot be considered. The Hon'ble Supreme Court in a case decided between the **State of Madhya Pradesh v. Laxmi Narayan and others**¹, held as follows:

“29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

¹ (2019) 5 SCC 688

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

8. The petitioner and respondent have not filed any petition seeing to compromise or refer the same to the Lok Adalath. However, as per the law laid down by the Apex Court, the offences against the society or heinous offences cannot be permitted to be compromised. The offence alleged against the petitioner is for the offence under Sections 417, 420, 376 (2)(n) and 323 of the Indian Penal Code. Considering the nature of the offences alleged against the petitioners and also considering the principle laid down by the Hon'ble Apex Court, this Court declines to record any compromise or refer the case to Lok Adalath for recording compromise.

9. Considering the fact that counsel for the petitioner has not advanced arguments on the merits and that it is reported that the case before the trial Court is posted to 11.08.2022, this criminal petition required to be disposed of with a direction to the trial Court to fix the schedule and complete the trial as expeditiously as possible.

10. Accordingly, the criminal petition is disposed of with a direction to the trial Court to fix the schedule and complete the trial as expeditiously as possible.

As a sequel, the miscellaneous Petitions, pending if any, shall stand closed.

Date: 22.07.2022
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DR. D.NAGARJUN, J