

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10270 OF 2022

Between:

Rapa Venkatesh, S/o. Rapa Krishnamurthy, aged 31 years, Occ. Private employee, R/o. Flat No. 102, Manohar Nilayam Apartments, Tellapur Circle, Nallagandla, Hyderabad, N/o. Flat No. 102 Balaji Residency, Srinivas Nagar, Ananthapur

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep by Public Prosecutor High Court for the State of Telangana at Hyderabad
2. Nazeefa, D/ o. Siraj, Aged 40 years, R/ o. life Style Womens Hostal JNTU, Kukatpally, N/ o. Flat No. 503 V V Hites, Telugu Colony, Kattur, Nellore AP

...RESPONDENTS/RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to QUASH the proceedings in as PRC No. 335 of 2022 on the file of court of the Honble XIV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad against this petitioner/ accused.

I.A. NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings in as PRC No. 335 of 2022 on the file of court of the Honble XIV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad including the appearance of the petitioner/ accused, pending disposal of this criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri D. A. PREM CHAND, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10270 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused to quash the proceedings against him in PRC No.335 of 2022 pending on the file of Station House Officer, XIV Additional Chief Metropolitan Magistrate at Nampally, Hyderabad. The offence alleged against the petitioner is under Section 376(2)(n) of Indian Penal Code (for short "IPC".)

2. Heard learned counsel for the petitioner – Accused and learned Additional Public Prosecutor for the respondent - State.

3. Learned counsel for the petitioner would submit that the allegations made against this petitioner are that the petitioner had taken the *de facto* complainant to several places, where they had sexual intercourse. However, subsequently on failure of this petitioner to marry the *de facto* complainant, the present complaint was filed.

4. As seen from the complaint, the allegation against the petitioner is that he had taken the *de facto* complainant to Lemon Tree Hotel and forcibly had sexual intercourse with her and thereafter he promised that he would get marry to her within one month.

5. Learned counsel appearing for the petitioner relied upon the judgment of the Hon'ble Supreme Court in Criminal Appeal No.442 of 2022 dated 27.07.2022 in Mandar Deepak Pawar vs. the State of Maharashtra & another and argued that in the event of there being a false promise of marriage that would not amount to an offence under Section 376 of IPC.

6. In the present case, as seen from the complaint, *prima facie* the *de facto* complainant was subjected to rape and thereafter promise was made, hence, the judgment relied upon by the learned counsel for the petitioner is not applicable.

7. In view of the aforesaid reasons, there are no grounds to quash the proceedings against the petitioner – Accused.

8. Accordingly, the Criminal Petition is dismissed giving liberty to the petitioner to have recourse all legal remedies including filing an application under Section 227 of Cr.P.C. seeking discharge before the concerned Court.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K.SHYLESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The XIV Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad.
2. The Station House Officer, Panjagutta Police Station.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT).
4. One CC to Sri D. A. PREM CHAND, Advocate [OPUC]
5. Two CD Copies

DL

GP

HIGH COURT

KS,J

DATED:22/11/2022

ORDER

CRLP.No.10270 of 2022



DISMISSING THE CRIMINAL PETITION.

(8) Copies

Am
9/01/2023