

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

**MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11658 OF 2022

Between:

MOHD.ASHRAF @ ASHRAF ALI, S/o Mohd.Irfan, Aged about 30 years, Occ:
Hotel Work, R/o H.No.18-13-6/88/3/A, Chandrayangutta, Hyderabad.

...Petitioner/Accused

AND

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. NISHAT BEGUM,, D/o Mohd.Rafeeq Aged about 30 years, Occ: Tailoring R/o H.No.1-3-572, Nai Azadi Backside of SBI, Shivaji Nagar, Nanded, Maharashtra State.

...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 FIR No.200/2022 of P.S. Santoshnagar, Hyderabad under Sections 376 (2) (n), 420 of IPC as the same is untenable either on facts or under law and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

I.A. NO: 1 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 FIR No.200/2022 of P.S. Santoshnagar, Hyderabad under Sections 376 (2) (n), 420 of IPC pending disposal of the main Criminal Petition in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHAMMED ZUBAIR AKRAM, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11658 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 seeking to quash the proceedings against him in FIR.No.200 of 2022 on the file of Station House Officer, Santoshnagar Police Station, Hyderabad, registered for the offences punishable under Sections 420 and 376(2)(n) of Indian Penal Code (for short "IPC").

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

3. The case of the 2nd respondent – *de facto* complainant is that she was acquainted with the petitioner and they were talking on phone on a regular basis. On 10.02.2018, the petitioner took the complainant on his bike to his aunt's house wherein petitioner forcibly committed sexual intercourse with her. Though the complainant pleaded the petitioner not to indulge in such sexual act,

he did not listen to her. Thereafter, the petitioner had sexual intercourse with the complainant 4-5 times forcibly. The petitioner allegedly promised that he will marry the complainant in eight days and this matter was also known to their parents, but he failed to keep his promise.

4. Learned counsel for the petitioner would submit that the entire case of the 2nd respondent is totally absurd for the reason of the facts being highly improbable and incorrect. Though the alleged rape occurred in the year 2018, the complaint was filed after a period of nearly 2½ years. No prudent father or a victim would indulge in lodging a complaint after a period of nearly 2½ years and if there was any rape, they would have informed at the earliest.

5. The probability or improbability of the prosecution case can only be ascertained during the course of trial when the witnesses are examined and such defence cannot be considered by this Court in the quashment proceedings.

6. In the said circumstances, all the grounds raised by the petitioner in the present Criminal Petition can be agitated before the Trial Court and the present Criminal Petition is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VII Additional Metropolitan Magistrate at Nampally, Hyderabad
2. The Station House Officer, Santoshnagar Police Station, Hyderabad
3. Two CCs to Additional Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri. MOHAMMED ZUBAIR AKRAM, Advocate [OPUC]
5. Two CD Copies

PSR

plp

BSR

HIGH COURT

DATED:26/12/2022

ORDER

CRLP.No.11658 of 2022



CRIMINAL PETITION IS DIMISSED

8
10/01/23
BSR