

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 8115 OF 2022

Between:

1. K.Ramesh, S/o K.Kotaiah aged about. 19 Yrs, Occ. Unemployee R/o Arundathi Nagar, Musheerbad, Hyderabad
2. K.Adilaxmi, W/o Kotaiah aged about. 50 Yrs, Occ. Labour work R/o 1-1-652/K/72, Arundhathi Nagar, Hyderabad
3. K.Kotaiah, S/o Late Pandu aged about. 55 Yrs, Occ. Business R/o 1-1-652/K/72, Arundhathi Nagar, Hyderabad

...PETITIONERS/ACCUSED

AND

1. The State of Telangana, rep by its Public Prosecutor, High Court for the State of Telangana at Hyderabad
2. Katta Pooja, W/o K.Ramesh D/o M.Uppalaiah aged about. 19 Yrs, Occ. Household R/o Bangladesh Market, Bholakpur, Hyderabad

...RESPONDENTS/COMPLAINANT

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 PRC No. 312 of 2020 XVII Addl Chief Metropolitan Magistrate at Hyderabad against the petitioners.

I.A. NO: 3 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 record compromise and to permit the petitioner to compromise with the petitioner/accused in PRC No.312 of 2022 on the file of XVII Addl. Chief Metropolitan Magistrate at Hyderabad and quash.

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 of all further proceedings including the appearance of the petitioners in PRC No.312 of 2022 on the file of XVII Addl. Chief Metropolitan Magistrate at Hyderabad, pending disposal of the above quash petition,

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 permit the petitioner/2nd respondent to compound the offence with the respondents in PRC No.312 of 2022 on the file of XVII Addl. Chief Metropolitan Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SRINATH ATMAKUR, Advocate for the Petitioners and the Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri N. Prabhakar, Advocate for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8115 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 petitioners - Accused Nos.1 to 3 seeking to quash the proceedings in P.R.C.No.312 of 2020 pending on the file of XVII Additional Chief Metropolitan Magistrate at Hyderabad. The offences alleged against them are under Sections 376, 506 read with 34 of Indian Penal Code.

2. Heard learned counsel for the petitioners – Accused Nos.1 to 3 and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. The police filed a charge sheet against these petitioners on the basis of complaint filed by the 2nd respondent. During the course of investigation, it was found that the 1st petitioner – accused No.1 and 2nd respondent had developed friendship between them and thereafter it turned into love affair and they had sexual intercourse in the house of 1st petitioner and also in the 2nd respondent's house situated at Arundathinagar on several occasions

in the absence of their family members. After that, 2nd respondent came to know that she was carrying four months pregnancy, so she requested petitioner - Accused No.1 to marry her. However, Accused No.1 refused to marry her. In the said circumstances, the Police filed charge sheet for the aforementioned offences against the petitioners.

4. Learned counsel for the petitioners submits that petitioner - Accused No.1 and the 2nd respondent have married and they have daughter, on this ground the parties have compromised the matter and approached this Court for quashing the proceedings in P.R.C.No.312 of 2020.

5. Learned Additional Public Prosecutor had sought instructions and informed this Court that the marriage has been taken place between the 1st petitioner and 2nd respondent and they have daughter, who is aged about 3½ years. However, learned Additional Public Prosecutor submits that since the charges are filed for the offences punishable under Sections 376, 506 read with 34 of IPC, this Court cannot quash the proceedings as per the directions of the Hon'ble Supreme Court in case of *Laxmi Narayna Vs State of Madhya Pradesh* and other subsequent judgments also.

6. However, in the present case, even according to the police, the 1st petitioner and 2nd respondent had love affair and in the absence of their family members they had indulged in sexual intercourse. Apparently, the relation between them was consensual. At present, the 2nd respondent and 1st petitioner are married and they have daughter aged 3½ years. In the said circumstances, no useful purpose would be served if the proceedings are being carried on before the trial Court. The trial Court is already over burdened with the criminal cases and the trial Court needs to spare time for the present case which would serve no useful purpose. Accepting the compromise that has been entered into in the present facts of the case, this Court deems it appropriate to quash the proceedings against the petitioners.

7. Accordingly, the criminal petition is allowed and the proceedings against the petitioners - accused Nos.1 to 3 in P.R.C.No.312 of 2020 pending on the file of XVII Additional Chief Metropolitan Magistrate at Hyderabad, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

SD/-N.CHANDRA SHEKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, at Hyderabad
2. The Station House Officer, Musheerabad police Station Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. Atmakur Srinath, Advocate [OPUC]
5. Two CD Copies

BJLB
B84,

HIGH COURT

DATED: 24/02/2023

ORDER

CRL.P.No.8115 OF 2022



CRIMINAL PETITION IS ALLOWED

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Bsk.
18/5/23