

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 8504 OF 2022

Between:

1. Kasu Pradeep Reddy, Son of Kasu Papi Reddy, Aged about 30 years, Occ Un-Employee.

Petitioner 2 representing as GPA Holder for petitioner No.1 as per Court Order dt.19/01/2023 in I.A.No.2 of 2022

2. K. Papi Reddy, Son of Rayaou Reddy, Aged about 49 years, Occ: Agriculture.
3. Y.Praneetha Reddy, Wife of Marr Reddy, Aged about 33 years, Occ: Household.
4. Y.Marr Reddy, Son of Y.Prakash Reddy, Aged about 37 years, Occ: Private Employee.

All are resident of H.No.I-5-632/2/A, Citizen Colony, Old Alwal, Secunderabad
N/o. H.No.3-12, Medinipur Village, K.K.Pally (Post), Siddipet District.

...PETITIONER/ACCUSED 1 to 4

AND

1. The State of Telangana and another, Represented by its Public Prosecutor, High Court Buildings, Hyderabad Through SHO, P.S.Chikkadpally.
2. Thakur Radha Singh, D/o. late Thakur Ravinder Singh, Aged about 33 years, Occ Private Employee, Resident of Flat No.102, Sai Vishnu Apartments, Badamgalli, Domalguda, Hyderabad

...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 Charge Sheet as well as all further proceedings in PRC No.46 of 2022 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad.

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 PRC No.46 of 2022 on the file of the IX Additional Chief Metropolitan Magistrate, Hyderabad, including the personal appearance of the petitioners, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Y SUBHASH ,Advocate for the Petitioner and of the Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri KATRAVATH SHANKAR Advocate for the Respondent No.2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**I.A.No.4 of 2022 IN/AND CRIMINAL PETITION
No.8504 OF 2022****ORDER:**

This criminal petition is filed with a prayer to quash the charge sheet as well as all further proceedings in PRC No.46 of 2022 on the file of IX Additional Chief Metropolitan Magistrate, Hyderabad.

2. On the basis of the complaint of respondent No.2 against the petitioner, the police, Chikkadpally Police Station, registered crime for the offences under Sections 376, 406, 420, 506 of Indian Penal Code (for short "IPC").

3. The allegations leveled against the petitioners are that respondent No.2 was having an illegal affair with Accused No.1 since 2015. In the year 2015, they went to USA and worked there together till July, 2020 for a period of five and half years.

4. Respondent No.2 states that they had sexual intercourse on the assurance of Accused No.1 to get married. Trusting that she would marry Accused No.1, she also gave her earnings to

Accused No.1, also transferred certain amount to the account of Accused No.1, and also gave some gold and vehicle.

5. Having returned to India on 01.07.2020, Accused No.1 and respondent No.2 stayed at Park Hayatt, Banjara Hills. During quarantine period also they engaged in physical relation and continued to have such relation. However, when she asked him to marry, Accused No.1 refused to marry. He had also refused to return the amount, gold and vehicle to respondent No.2.

6. For the reason of spoiling her life on the assurance of marriage and having continued sexual intercourse with her over a period of time, complaint was lodged by her. After investigation, the police filed charge sheet.

7. The parties have now approached this Court seeking indulgence to quash the proceedings on the ground of compromise.

8. Learned counsel for the petitioner submits that all the claims of respondent No.2 to return the amount, gold and vehicle have been fulfilled and to that effect receipt has been executed. Learned counsel appearing for respondent No.2 does not deny the settling of issue and receiving the amount.

9. However, learned Public Prosecutor submits that the offence is serious in nature. He relied upon an order of this Court in Crl.P.No.2299 of 2022 and argued that cases under Section 376 of IPC cannot be quashed and it is for the parties to approach Criminal Court and on the basis of criminal trial, the allegations leveled against the accused have to be proved.

10. On the other side, learned counsel for the petitioner relied on the judgment of Hon'ble Supreme Court in ***Dr.Dhruvaram Murlidhar Sonar vs. State of Maharashtra and others***¹ and argued that when the relation was consensual, it will not amount to an offence of rape.

11. According to the allegations in the charge sheet, respondent No.2 had live-in relation with Accused No.1 over a period of seven years. However, she claims after seven years that she was forced to have sexual intercourse with Accused No.2 over a period of time. Even according to respondent No.2, the physical relation was consensual. However, she states that Accused No.1 promised to marry her.

¹ (2019) 18 Supreme Court Cases 191

12. As seen from the facts of the case, when respondent No.2 was in live-in relation, on the bare assertion for a period of seven years in US and India, that she was forced to have sexual intercourse with Accused No.2, appears to be highly improbable. However, for the reason that they have entered into compromise, no useful purpose would be served in continuing the trial before the trial court, which is already over-burdened with trial matters, if the compromise is refused to be recorded and parties are asked to undergo criminal trial, it would be of procrastinating the matter without any purpose.

13. Accordingly, on facts this Court finds that there is no case made out against Accused No.1 under Section 376 of IPC.

14. For the above said reason, I.A.No.4 of 2022 compromise petition is allowed and the offences alleged against the accused are permitted to be compounded. Consequently, the Criminal Petition stands allowed.

Miscellaneous applications pending, if any, shall stand closed.

SD/-P. GOWRI SHANKAR
ASSISTANT REGISTRAR

SECTION OFFICER

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To,

1. The IX Additional Chief Metropolitan Magistrate, Hyderabad.
2. One CC to SRI. Y SUBHASH, Advocate. [OPUC]
3. One CC to SRI KATRAVATH SHANKAR, Advocate.[OPUC]
4. Two CCs to the PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad.[OUT]
5. Two CD Copies

SB
D25.

HIGH COURT

DATED:09/02/2023

ORDER



CRLP.No.8504 of 2022

ALLOWING THE CRLP WITHOUT COSTS

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Bsk
16/3/23