

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO: 10588 OF 2023

Between:

Pothula Tirupathi, S/o Bala Mallaih, Aged 39 years, Occ. Inspector of Police R/o.
H.No.2-2-185/24/64/ I /A, Mallikarjun Nagar, Amberpet.- 5000013.

...PETITIONER

AND

1. The State of Telangana, Police Station Amberpet, Hyderabad. Through Public Prosecutor High Court for the State of Telangana At Hyderabad.

...RESPONDENTS

2. XXXXXXXX, XXXX XXXXXXXX Rep by. Harinivas. Age. 47 years, Occ. Private Employee, R/o Flat No. 07, Dwaraka Nagar Colony. Mansoorabad, LB Nagar, Hyderabad – 500068

(Respondent No. 2 being a minor victim girl, is being represented by her father)

...RESPONDENT No. 2/VICTIM GIRL

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 call for the records in F.I.R. No. 504 of 2023 dt. 16.10.2023 on the file of Amberpet Police Station, Hyderabad.

I.A. NO: 2 OF 2023

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 grant stay of all further proceedings including arrest of the Petitioners pursuant to the F.I.R. No. 504 of 2023 dt. 16/10/2023 on the file of Amberpet Police Station, Hyderabad 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 N. NAVEEN KUMAR, Advocate for the Petitioner and the Sri S. GANESH, ASSISTANT Public

Prosecutor on behalf of the Respondent No. 1 and of None appeared for the Respondent No.2.

HON'BLE SMT. JUSTICE G. ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.10588 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/Accused to quash the proceedings in Crime No.504 of 2023 on the file of Amberpet Police Station, Hyderabad registered for the offences under Sections 354 and 109 r/w Sections 3(1)(s) and 3(1)(w) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Heard learned counsel for the petitioner and Sri S.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1 and perused the record.

3. It is alleged that the petitioner and the mother of respondent No.2 are living together and they were having illegal relationship outside of marriage. The petitioner tried to outrage the modesty of the victim and though respondent No.2 informed the same to her mother, she tried to convince respondent No.2 stating that if they live with the petitioner,

they will have a luxurious life. The alleged incident said to have been taken place in the month of April, 2022.

4. It is further alleged in the complaint that the mother of respondent No.2 threatened her not to inform about the matter to her biological father and now the mother of respondent No.2 abused her in the name of caste and pressurized her to come back to the home for which, she committed suicide by drinking bathroom cleaner at their house and after informing the said fact to the biological father, the said complaint has been filed.

5. It is the specific contention of the learned counsel for the petitioner that there is abnormal delay in preferring a complaint and therefore it is a fit case to quash all the further proceedings in F.I.R.No.504 of 2023.

6. The learned Assistant Public Prosecutor contended that the matter is still at the stage of crime and prayed not to grant any stay in the matter.

7. On perusal of the entire contents of the complaint, it is evident that there is abnormal delay i.e., alleged incident

took place in the month of April, 2022 and complaint has been filed on 16.10.2023 and no reasons were assigned as to why there is delay in preferring the complaint.

8. In view of the above, this Court is of the considerable view that the petitioner shall not be arrested in Cr.No.504 of 2023, dated 16.10.2023, on the file of Amberpet Police Station, Hyderabad. Further, the petitioner is directed not to meet the victim girl.

9. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

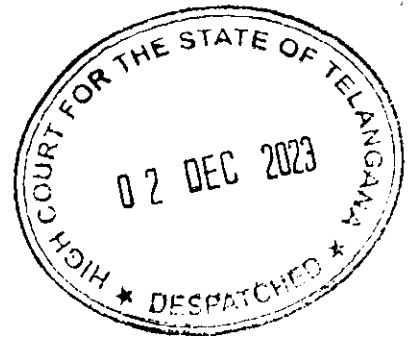
1. The IV Additional Chief Metropolitan Magistrate at Nampally Hyderabad.
2. The Station House Officer, Amberpet Police Station, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. N. NAVEEN KUMAR, Advocate [OPUC]
5. Two CD Copies

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HIGH COURT

DATED: 20/10/2023



ORDER

CRLP.No.10588 of 2023

Criminal Petition is disposed of

⑧ Copies

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28/11/23