

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**TUESDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 11714 OF 2023

Between:

Mr.Marsakatla Gopi, S/o Atchalu, Age. 22 years, Caste. Mala. Occ. Pvt. Employee
R/o 4-81/1, Khammampadu Village, Madhira Mandal Khammam District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Represented by Public Prosecutor High Court at Hyderabad.
2. Shri. Ravi Medhari, S/o Ammanna Age. 45 years, Caste. Madiga Occ. Agriculturist, R/o Khammampadu village of Madhira Mandal. Khammam District.
3. Smt. Lavanya Medhari, D/o Ravi Medhari, W/o Marsakatla Gopi Age. 19 years, Caste. Madiga Occ. Student, R/o. Khammampadu village of Madhira Mandal. Khammam District

...RESPONDENT

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 SC.POCSO No. 107 of 2022 on the file of Hon'ble I Addl. District and Sessions Judge at Khammam to the extent of the Petitioner/Accused.

I.A. NO: 1 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 stay all further proceedings in SC.POCSO No. 107 of 2022 on the file of Honble I Addl. District and Sessions Judge at Khammam, against the Petitioners.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri APURVA M GOKHALE, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Gowtham Raj, Advocate for the Respondent No.3.

The Court made the following ORDER:

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

CRIMINAL PETITION No.11714 OF 2023

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 SC.POCSO.No.107 of 2022 pending on the file of the I Additional District and Sessions Judge, at Khammam, which was taken cognizance for the offences punishable under Sections 366 and 376 of I.P.C and Section 5 read with Section 6 of the POCSO Act, 2015.

2. Learned counsel for the petitioner/accused as well as learned counsel for respondent No.3 submitted that the petitioner/accused and respondent No.3 have entered into compromise and that they are married and are happily living together. However, from the charged offences, it is clear that it is not compoundable as the offences alleged against the petitioner/accused are under Sections 366 and 376 of I.P.C and Section 5 read with Section 6 of the POCSO Act, 2015. Therefore, the offence under Section 376 of I.P.C is not compoundable and hence, the FIR cannot be quashed on the ground of compromise.

3. Learned counsel appearing for the victim i.e., the respondent No.3 submitted that respondent No.3 was not allowed to participate in the proceedings to make her submissions.

4. In view of the change of the facts and circumstances, this Court deems it appropriate to direct the trial Court to permit the victim i.e., respondent No.3 to make her submissions through her counsel and thereafter, conclude the proceedings in SC.POCSO No.107 of 2022 pending on the file of the I Additional District and Sessions Judge, at Khammam within a period of six (6) months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Petition is disposed of at the admission stage itself.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- T. VIJAY KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The I Addl. District and Sessions Judge at Khammam.
2. One CC to SRI. APURVA M GOKHALE Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OPUC]
4. Two CD copies.

Cvk/jak

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HIGH COURT

DATED:28/11/2023



ORDER

CRLP.No.11714 of 2023

Criminal Petition is Disposed of.

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