

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

**TUESDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11429 OF 2022

Between:

Jataragonda Srinivas, S/o Jataragonda Beeraiah, Age: 29 Years, Occ: Police Constable, 3- 172, Chakunta, Choppadandi, Chakunta, Karimnagar, Telangana - 505415

...PETITIONER/ACCUSED

AND

1. The Station House Officer, Golconda P. S., Rep. by its Public Prosecutor, High Court of Telangana
2. Jula Shilaja, S/o Muthenna, Age: About 24 years, Occ: Govt. Employee, R/o H. No. 3- 60/3d, vijay vidya nagar, Mubaraknagar, Nizamabad - 503003

...RESPONDENT/COMPLAINANT/VICTIM

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 proceedings against the petitioner in F.I.R under Crime No. 416 of 2022 by Golconda Police Station and pending on the file of the 17 Additional Chief Metropolitan Magistrate, At Nampally, 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 permit the Petitioner/Respondent No. 2/Complainant to compromise the matter with the Respondent No.1/Petitioner/Accused U/s. 420, 376 of IPC and Sec 3 (1) (w) (i) of SC/ST Act in Crime No. 416 of 2022 by PS Golconda, on the file of XVII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad by allowing the Criminal 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 record the Compromise accorded between the Petitioner/Respondent No.2/De- facto Complainant and Respondent No.1/Petitioner/Accused and quash the proceedings against the Respondent/Petitioner/Accused in Crime No. 416 of 2022 by PS Golconda, On the file of XVII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad for an alleged Offence U/s 420, 376 of IPC and Sec 3 (1)(w)(i) of SC/ST Act.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. SIDDARTH REDDY, Advocate for the Petitioner and of the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1 and of Sri Y. BHARDWAZ, Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11429 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 to quash the proceedings against him in FIR No.416 of 2022 pending on the file of Station House Officer, Golkonda Police Station, Hyderabad. The offences alleged against the petitioner are under Sections 420 and 376 of Indian Penal Code (for short "IPC") and Section 3(1)(w)(i) of SC/ST (POA) Act.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 – State. Perused the record.

3. The petitioner-accused has entered into a compromise with the 2nd respondent – complainant who is the alleged victim and both have moved petitions praying this Court to quash the proceedings against the petitioner – Accused, which is registered for the aforesaid offences.

4. The complaint of the 2nd respondent is as under:

"My name is J.Shylaja D/o.Muthenna. In the year 2021, I have met a person named Mr.J.Srinivas S/o.Beeraiah. We liked and fell in love with each other. As I belong to SC community, he rejected to marry me. We have met sexually number of times at Fab hotel Sitiinn, Mallikarjuna (Shaikpet) Residency. Even though I talked to his parents there is no use and he said he got married to other girl without knowing to anyone".

5. Learned counsel for the petitioner submits that, as seen from the complaint, even according to the 2nd respondent, they fell in love and had sex several times at Fab hotel Sitiinn, Mallikarjuna (Shaikpet) Residency. Except stating that they have met several times in hotels, there is no mention of any kind of false promise made or that she was forced by the petitioner at any point of time. Being adults, they have consented to have physical relation. For the reason of the 2nd respondent talking to the parents of petitioner and as there was no use, she filed the present complaint.

6. As seen from the complaint, the 2nd respondent neither states that their physical relation was against her will or that she did not consent to such relation. For the said reasons, on the
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basis of the complaint, I do not find that any of the ingredients of Section 376 of IPC are made out. Further, only for rejecting to marry after talking to her parents, the complaint was filed. Even in the complaint, there is no mention that there was any misrepresentation or fraudulent inducement by the petitioner to have physical intimacy with the 2nd respondent, for which reason, no offence under Section 420 of IPC can be inferred from the facts of the present case.

7. In the said circumstances, when none of the ingredients of any of the penal provisions that are mentioned are made out; and the case is at the stage of investigation, as such, this Court deems it appropriate to quash the proceedings against the petitioner – Accused as no useful purpose will be served by continuing with investigation or Court proceedings subsequently.

8. Accordingly, the Criminal petition is allowed and the proceedings in FIR No.416 of 2022 pending on the file of Station House Officer, Golkonda Police Station, Hyderabad, are hereby quashed against the petitioner – Accused.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XVII Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer , Golkonda Police Station , Hyderabad District.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri K. SIDDARTH REDDY, Advocate [OPUC]
5. One CC to Sri Y. BHARDWAZ, Advocate [OPUC]
6. Two CD Copies.

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NOTE:

Amount of Rs.10,000/- (Rupees Ten Thousand) paid by Counsel of Petitioner, K. SIDDHARTH REDDY, as per the direction of the Hon'ble Court dated 03.01.2023, drawn in favour of Sainik Welfare Fund, on 06.01.2023.
The Counter foil receipt is filed herewith as proof as service.

HIGH COURT

KS,J

DATED:03/01/2023

ORDER

CRLP.No.11429 of 2022



ALLOWING THE CRIMINAL PETITION.

⑨ Copies
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31/1/23