

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.6467 of 2015

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Between:

Dr.T.Krishna Reddy

.. Petitioner/ accused No.4

And

The State of Andhra Pradesh,
Through the Station House Officer, Mahila PS,
Kurnool, rep. by its Public Prosecutor,
High Court of Judicature at Hyderabad & another

.. Respondents/ Complainant

DATE OF JUDGMENT PRONOUNCED: 27-07-2015

SUBMITTED FOR APPROVAL:

**HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO**

1. Whether Reporters of Local newspapers

Yes/No

may be allowed to see the Judgment?

2. Whether the copies of judgment may be
marked to Law Reporters/Journals

Yes/No

3. Whether Their Lordship wish to
see the fair copy of the Judgment?

Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6467 of 2015

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ORDER :

This Criminal Petition is filed by the Petitioner/ accused No.4 under Section 482 Cr.P.C seeking to quash the proceedings of PRC No.50 of 2015 on the file of Judicial First Class Magistrate at Kurnool, outcome of Crime No.43 of 2013 of Mahila Police Station, Kurnool, from the report of 2nd respondent—de facto complainant against accused Nos.1 to 4, amongst whom accused No.1 is her husband, accused Nos.2 and 3 are parents-in-law and accused No.4 is brother of husband, who is petitioner herein.

2) Heard learned counsel for the petitioner/ accused No.4 and also 1st respondent—State represented by learned public prosecutor before admission and before ordering notice to the 2nd respondent—de facto complainant. Perused the material on record.

3) The police after investigation filed charge sheet for the offences under Sections 448, 498-A, 406, 506, 307 IPC r/w 34 IPC and so far as the petitioner/ accused No.4 is concerned practically there is no offence under Section 307 IPC against him but for the offence under Section 498-A IPC and after the police filed final report, the learned Magistrate taken cognizance of it under Section 190 read with 209 Cr.P.C. At this stage, the petitioner/ accused No.4 seeks to quash the proceedings against him with the submissions that even there are no grounds to attract the offence under Section 498-A IPC and from the material averments in the FIR and the submission of de facto complainant, accused Nos.2 and 3 only live with her and harassed by abusing in filthy language and beat her to bring money and A-4 also abused her in filthy language by provoking A1 to A3.

4) A perusal of the record nowhere entitles this Court to admit the application to quash the proceedings in PRC No.50 of 2015 so far as the petitioner/ accused No.4 concerned for the offence under Section 498-A IPC the Criminal Petition is disposed of with the following observation:

5) The learned Committal Magistrate subject to compliance of clause (a) to (d) of Section 209 Cr.P.C, shall commit the case to the Court of Sessions without delay for onward taking cognizance under Section 193 Cr.P.C and therefrom on appearance, the learned Sessions Judge shall hear and permit the accused person to file an application under Section 227 Cr.P.C and if there are no grounds for proceeding against the accused, to discharge the accused persons. Needless to say further remedy is left open in the event of framing charges for any particular offence/s against respective accused persons under Section 228 Cr.P.C.

6) It is needless to say as the petitioner is a doctor by avocation and in discharge of his duties it would be difficult for him to attend the Court for day-to-day trial as claimed, liberty is given to file an application under Rule 37 Cr.R.P for one to represent other accused and the learned Judge concerned after hearing shall pass orders by permitting with necessary conditions.

7) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.27.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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