

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.15999 of 2016

ORDER:

This Criminal Petition under Section 482 of Cr.P.C. is filed to quash the proceedings in PRC No.41 of 2016 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad (Cr.No.143 of 2015 on the file of Police Station, Trimulgherry, Secunderabad), registered for the offences punishable under Sections 326(B), 354, 354(A), 448, 506,509 and 323 IPC.

2. The specific allegation against the petitioner/accused is that on 8.9.2015 at about 10.00 am he forcefully entered into the house of *de facto* complainant and tried to modest her by tearing her clothes and beat her and threatened her by showing acid bottle in his hand while leaving the house.

3. The allegations, at best, would constitute offences punishable under Sections 323 and 354 IPC, but would not attract offences punishable under Sections 326-B and 354-A IPC since showing acid bottle would not amount to throwing of acid on her with an intention to cause burn injury etc., Similarly, Section 354-A IPC deals with punishment for sexual harassment. As per this Section, the person, whoever commits a physical contact and advances involving unwelcome and explicit sexual overtures, or a demand or request for sexual favours; or showing phonograph against the will of a women or making sexually coloured remarks. Here, the petitioner allegedly entered into the house of the *de facto* complainant and threatened her and beat her and tried to outrage modesty of her, but any of the acts allegedly done by the petitioner would not fall under Section 354-A IPC.

Learned Counsel for R.2/*de facto* complainant fairly conceded that the matter was already compromised and in fact they filed a petition before this Court to that effect. However, this Court raised an objection regarding permissibility to compound offences under Section 326-B and 354-A IPC and declined to record compromise.

On perusal of the allegations made in the charge sheet, the allegations would not constitute offences punishable under Sections 326-B and 354-A IPC and the counsel for the respondent No.2 reported no objection to allow this application and to that effect, he made an endorsement on the back of the petition.

In view of the facts and circumstances of the case, I find that it is a fit case to quash the proceedings in PRC No.41 of 2016 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad, by exercising jurisdiction under Section 482 Cr.P.C.

Accordingly, this Criminal Petition is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

November 18, 2016.
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Dt.18.11.2016

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