

SMT.JUSTICE T.RAJANI

CRIMINAL PETITION No.5088 OF 2011

ORDER:

This petition is filed seeking for quash of proceedings against the petitioner, who is accused No.3 in PRC.No.47 of 2010, pending on the file of II Additional Judicial First Class Magistrate, Tanuku. The offence alleged is under section 306 r/w 511 IPC r/w 34 IPC.

2. Heard the counsel for the petitioner and public prosecutor, who takes notice for the 1st respondent. None appears for the 2nd respondent, in spite of notice.

3. The counsel for the petitioner brings to the notice of this Court that an order was passed by this Court in Crl.P.No.4897 of 2012, which is the petition filed by accused No.1, for quash of proceedings in the above crime, quashing the proceedings as prayed for.

4. The peculiar facts of the case are that though the offence was registered for the offence under section 306 IPC, there was no suicide in this case. Section 306 IPC would get attracted only if there is commission of suicide. Hence, when the victim survives in her abortive attempt of suicide, the question of attracting of section 306 IPC does not arise. Another Bench of this court, on the said premise, as

mentioned above, quashed the proceedings against accused No.1 therein.

5. Following the said order and in terms thereof, this criminal petition is also allowed and the further proceedings against the petitioner/accused No.3 in PRC.No.47 of 2010, pending on the file of II Additional Judicial First Class Magistrate, Tanuku, are quashed.

6. Miscellaneous petitions pending consideration, if any, in this criminal petition shall stand closed in consequence.

05.12.2017
SS



T.RAJANI, J