

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7140 of 2017

ORDER:

Heard learned counsel for petitioner/ accused No.1 in Crime No.62 of 2017 of Bapatla Police Station, Guntur District registered for the offences punishable under Sections 417, 313, 496, 506 r/w 34 IPC and also learned public prosecutor representing the 1st respondent—State and perused the grounds urged in the quash petition and the contents of FIR.

2) It is the contention of the petitioner/ accused No.1 that there is no offence made out under Section 313 IPC, even from perusal of the record for no specific averment as to when there is pregnancy and on what date and as to in what manner, the abortion took place and if not she consumed tablets being a medico, for saying it was administered by force on her by the accused and as to why she kept quite all through.

3) It is premature for this Court to make any observation since the investigation is at nasal stage but for to say, if at all, during investigation no offence under Section 313 Cr.P.C is made out and the other offences are bailable, it is for the police to consider the same for any arrest required or not, pending investigation. Further remedies are left open to the petitioner.

4) With the above observation, the Criminal Petition is disposed of.

5) Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 18.08.2017

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