

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.2812 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed to quash the proceedings in Calender Case No.124 of 2017 on the file of the Additional Judicial First Class Magistrate, Amalapuram.

The petitioner, who is arraigned as accused No.5 in the aforesaid Calender Case, alleged to have abetted the other accused in committing the offences punishable under Sections 354, 354-B, 323, 506 and 109 read with 34 IPC.

Heard Sri K.Rambabu, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

Learned counsel for the petitioner would submit that the petitioner is a practicing Advocate in the local courts of Amalapuram and, having prayed to quash the proceedings in the aforesaid Calender Case, however, seeks to exempt the presence of the petitioner herein during the course of proceedings in the aforesaid Calender Case.

Admittedly, the offences punishable under Sections 354 and 354-B may not be applicable to the present petitioner, but the offences punishable under Sections 323 and 506 read with 34 or 109 IPC require a little bit probe. Be that as it may, since the disputed

questions of fact would arise based on probabilities or inferences that have to be drawn so far as the complicity of the petitioner in the commission of offences alleged against her is concerned, the quashment as sought for does not arise at this stage. Therefore, the petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed, at the stage of admission itself. However, the petitioner is at liberty to avail the other remedy, if the charges are not framed so far by the learned Magistrate.

Miscellaneous petitions, if any, pending in the Criminal Petition stand closed.

Date: 10.04.2017
v v

A.SHANKAR NARAYANA, J

