

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 11405 OF 2017

ORDER:

This petition under Section 482 of the Code of Criminal Procedure is filed seeking to quash the proceedings against the petitioner-accused No. 3 in P.R.C.No. 106 of 2010 on the file of the Court of Judicial Magistrate of I Class at Sircilla on the ground that the other accused, who were tried for the same charges, are already acquitted after full-fledged trial.

2. The Apex Court in *Umesh Kumar Vs. State of A.P.*¹ held that at the stage of P.R.C., proceedings cannot be quashed. The Apex Court in the above judgment placed reliance on *State of Bihar Vs. P.P.Sharma*² to hold that quashing the charge sheet during P.R.C. amounts to 'killing a stillborn child'. In view of the law declared by the Apex Court, the present petition is not maintainable at this stage. However, the petitioner is at liberty to renew his request at appropriate stage.

3. Subject to this liberty given to the petitioner, the criminal petition is dismissed. Pending miscellaneous petitions, if any, in this petition shall stand dismissed in consequence.

Date: 22-11-2017.

JSK

M.SATYANARAYANA MURTHY, J.

¹ (2013) 10 SCC 591

² AIR 1991 SC 1260