

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 11367 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in C.C.No. 912 of 2014 on the file of the Court of Judicial Magistrate of I Class, Nandyal, Kurnool District (for short, 'the Court below').

2. The first and foremost contention raised before this Court is that no specific overt act is attributed to the petitioner-accused No. 2 and in the absence of any allegation, she cannot be forced to undergo trial. The second contention is that the petitioner is a woman, aged 70, and she is unable to attend the Court on every date of adjournment at Nandyal. At the end, learned counsel for the petitioner requested this Court to dispense with the appearance of the petitioner before the Court below.

3. The allegation made in the charge sheet disclosed that accused Nos. 1 and 2 beat Domala Saroja Devi (L.W.3), wife of accused No. 1 and daughter-in-law of accused No. 2, with hands. Then, L.W.3 poured kerosene and lit fire to her body. Due to burns, she raised cries. Immediately, accused No. 1 extinguished the flames and shifted her to District Hospital, Nandyal, for treatment. The specific allegation made against the petitioner is suffice to constitute the offence punishable under Section 498-A of the Indian Penal Code (for short, 'I.P.C.') i.e. first part of explanation to Section 498-A I.P.C. Therefore, on the ground that there are no specific overt acts attributed to the petitioner, the proceedings cannot be quashed. The second contention raised before this Court is that the petitioner is a woman, aged 70, and not in a position to appear before the Court below. As seen from the address particulars in the petition, she is

resident of Ramanathareddy Nagar, Nandyal Town, and the Court below is also situated in the same Town. Therefore, it is not difficult for her to appear before the Court below. Hence, the criminal petition is liable to be dismissed.

4. The criminal petition is accordingly dismissed at the stage of admission. However, the petitioner-accused No. 2 is at liberty to file a petition under Section 205 Cr.P.C. or under Rule 37 of the Andhra Pradesh Criminal Rules of Practice and the Circular Orders before the Court below to dispense with her appearance. On filing such application, the Court below is directed to dispose of the same within a week from the date of filing the petition and pass appropriate orders in accordance with law. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 22-11-2017.
JSK

M.SATYANARAYANA MURTHY, J.

