

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION No.12026 OF 2017**

**ORDER:**

This criminal petition is filed, under Section 482 of Criminal Procedure Code, to quash the proceedings in Crime No.63 of 2017 on the file of Chiragpally Police Station, Sangareddy District, for the offence punishable under Section 304-II IPC, registered basing on the report of Bellapur Padmamma, wife of late Eshwar.

2) The allegations made in the report dated 19.10.2017 are that on the morning of 18.09.2017, the husband of complainant viz., deceased Eshwar, aged 32 years, went out from the house to graze goats. While he was returning at 6.00 p.m. only goats came back but her husband did not return to house. Thereupon, Bellapur Padmamma started searching for her husband and found dead body of her husband at the field of Saireddy Shivareddy, S/o.Mogulreddy in S.No.146, where he raised maize crop, due to contact of electric wires arranged around the land to prevent from forest Grunters. Therefore, the police registered the crime for the offence punishable under Section 304-II IPC.

3) The main contention of the learned counsel for the petitioner before this Court is that the alleged act of the petitioner would not attract offence punishable under Section 304-II IPC but it would attract, at best, Section 304-A IPC, since the petitioner allegedly acted in negligent manner while arranging electric wires around agricultural field. Therefore, the petitioner is entitled for protection under Section 41-A Cr.P.C and guidelines formulated by the Apex

Court in “**Arnesh Kumar v. State of Bihar and another**<sup>1</sup>”, without prejudice to the defences raised before the competent Court.

4) As per the allegations made in the report, the husband of 2<sup>nd</sup> respondent died due to electric shock on account of contact with electric wire arranged around the field of the accused to prevent wild animals entry into field and to protect his crops, whether the Act would attract Section 304-A IPC or 304-II IPC is a matter of investigation and the investigation in this case is not commenced.

5) Therefore, at this stage, it is difficult to arrive at such a conclusion that the act of the petitioner would attract Section 304 –A IPC since the facts are incomplete irrespective of no magnitude of question of fact in issue. In such case, this Court cannot exercise the power under Section 482 Cr.P.C as the scope of this Court is very limited, as held by the Apex Court in **State of Orissa v. Saroj Kumar Sahoo**<sup>2</sup> and **Kurukshetra University And Anr. v. State Of Haryana And Anr**<sup>3</sup>.

6) Hence, at this stage, I do not find any ground that the offence do not punishable under Section 304-II IPC as contended by the learned counsel for the petitioner.

7) Accordingly, the Criminal Petition is dismissed.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

**JUSTICE M. SATYANARAYANA MURTHY**

Date:06.12.2017  
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<sup>1</sup> (2014) 8 SCC 273

<sup>2</sup> (2005) 13 SCC 540

<sup>3</sup> AIR 1977 SC 2229

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