

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION NO.1810 OF 2018**

**ORDER:**

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in SC No.212 of 2015 on the file of the FTC-I-cum-II Addl. District and Sessions Judge, Khammam, which was taken cognizance of the offences punishable under Sections 307 and 498-A IPC.

2. Heard learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that as per wound certificate of the 2<sup>nd</sup> respondent-de facto complainant filed in the S.C. referred above, she suffered only simple injuries. There is no intention to cause the death of the 2<sup>nd</sup> respondent. The allegation that the petitioner made an attempt to do away with the life of the 2<sup>nd</sup> respondent by pressing her nose and mouth with a pillow is absolutely false. There are no grounds to frame a charge under Section 307 IPC. The offence punishable under Section 498-A IPC is triable by a Judl. Magistrate of I Class and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought for by the petitioner in the petition.

5. Whether there is intention or not and whether the allegations do constitute the offence punishable under Section 307 IPC are required to be determined by the Court of Session. A hearing is contemplated before the charges are framed. The petitioner can put forth his all defences

before the Court of Session before the charges are framed. It is not appropriate to concede the prayer of the petitioner under Section 482 Cr.P.C. when the petitioner has an opportunity to address the same by way of an application under Section 239 Cr.P.C. Without expressing any opinion with regard to constituting of an offence punishable under Section 307 IPC, the petitioner-accused is given liberty to work out his remedies before the trial Court.

6. With the above observation, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

**DATED:16-02-2018.**

Hsd

**DR.SHAMEEM AKTHER, J**

