

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3443 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioner/A2 seeking to quash the proceedings against her in C.C.No. 411 of 2017 on the file of Judicial First Class Magistrate, Chevella, Ranga Reddy District, for the offences alleged against her as well as A1, who is her husband under Sections 324, 504 read with Section 34 IPC.

The submission of learned counsel for petitioner is that even if the charge sheet accusations are accepted to be true, the offence under Section 504 IPC is not maintainable against petitioner/A2 since admittedly she has not abused the complainant at the time of incident.

On perusal of the charge sheet, this Court is unable to accept the argument of the learned counsel for the petitioner because the offence leveled against the petitioner/A2 is not 504 independently but 504 read with 34 IPC. In that view of the matter, and also in view of the accusation that the petitioner/A2 was present at the time of incident along with A1 and participated in the offence, the submission of the learned counsel for the petitioner cannot be accepted.

Hence, the Criminal Petition is dismissed. However, considering the submission of the learned counsel for

Petitioner that the petitioner/A2 is an aged lady, her presence before the trial Court is dispensed with except on the occasions when the trial Court requires her attendance. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 20.03.2018
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