

*** HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

+ CRIMINAL PETITION No.8776 OF 2011.

%30-07-2018

Yashodha

...Petitioner/accused

Vs.

\$ State of A.P. through S.H.O. and another

....Respondents

! Counsel for the Petitioner: Mr.S.Chandra Sekhar

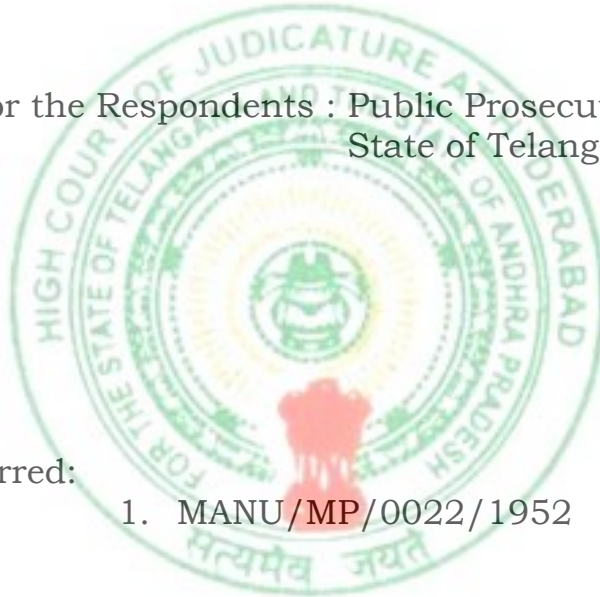
^ Counsel for the Respondents : Public Prosecutor,
State of Telangana (R1)

<Gist :

>Head Note:

? Cases referred:

1. MANU/MP/0022/1952



IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

For the State of Telangana and the State of Andhra Pradesh

MAIN CASE NO: CRL.P.NO.8776 OF 2011

Between:

Yashodha

...Petitioner/accused

Vs.

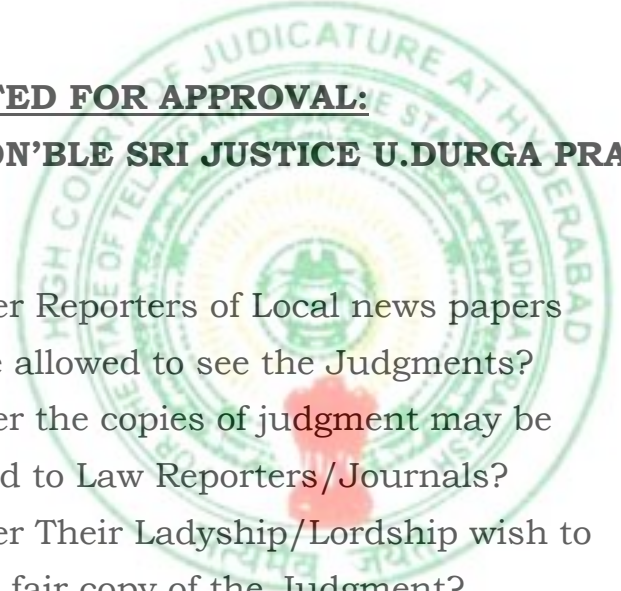
\$ State of A.P. through S.H.O. and another

....Respondents

DATE OF JUDGMENT PRONOUNCED: 30.07.2018

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

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1. Whether Reporters of Local news papers may be allowed to see the Judgments? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No
 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8776 OF 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. by the petitioner/accused seeking to quash the proceedings against her in Sessions Case No.532 of 2010 on the file of Assistant Sessions Judge, Nirmal, wherein cognizance was taken for the offences under Sections 354 and 355 of IPC against the petitioner/accused.

2. The brief facts of the charge sheet are that the defacto complainant is a divorcee and working in a cloth showroom at Bhainsa. While so, on 30.07.2009, at about 05.00pm, while she was working in the shop room, the accused came there and raised a dispute with her as if the complainant developed illicit intimacy with the husband of the accused and on that ground, the accused abused the complainant and strewn the chilly powder on her and torn her jacket and also cut pieces of her hair with scissors and thus outraged her modesty. On the complaint given by the complainant, the police of Bhainsa Town police station registered case in Crime No.109 of 2009 and after investigation, filed charge sheet under Sections 354 and 355 IPC. The case was taken cognizance and when the matter was coming up for framing charges, the instant petition is filed.

3. Heard learned counsel for the petitioner and learned additional public prosecutor, representing the state.

4. Having regard to the grave, *prima facie*, accusation against the petitioner, it is not a fit case to quash the proceedings. Learned counsel for the petitioner faintly raised the point of argument that at any rate even if the charge sheet allegations are uncontroverted, no offence under Sections 354 and 355 of IPC can be attributed against the accused, who is also a women. This argument does not hold conviction in the light of the judgment in **Girdhar Gopal v. State of Madhya Pradesh**¹, wherein, under similar circumstances, it was held that the offence of Section 354 IPC operates equally upon all the persons whether males or females.

5. Accordingly, the criminal petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

30.07.2018
SS

Note: LR copy to be marked.

¹ MANU/MP/0022/1952