

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 4562 OF 2022

Between:

Dr. Dorepally Pushpa, w/o P. Koushik Aged 30 years OCC. Medical practitioner Caste SC-Madiga, R/o RTC Supervisor Colony, Plot No. 44, Road No. 04, Hayatnagar, RR Dist. Hyderabad 501 505

...PETITIONER/ACCUSED-2

AND

1. The State of Telangana, Represented by Public prosecutor, High Court Buildings, Hyderabad.
2. N. Sarana Jyothi, w/o Mallikarjuna Rao, Aged 38 years, OCC. Private Job R/o 16-11-309/A/1, Malakpet, Moosarambagh, Behind Pandu Ranga Swamy Temple Hyderabad 500 036. (Complainant)

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash all the proceedings in so far the petitioner-A2 is concerned in PRC No. 48 of 2022 on the file of the learned VII-Additional Chief Metropolitan Magistrate Hyderabad arising from Crime No. 208 of 2021 on the file of the PS Malakpet, Hyderabad.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings in PRC No. 48 of 2022 on the file of the learned VII-Additional Chief Metropolitan Magistrate Hyderabad, dispensing with personal appearance of the petitioner-A2, pending final disposal of the above Quash Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. Narender Raj, Advocate for the Petitioner and the Assistant Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4562 of 2022

ORDER:

1. Seeking the Court to quash the proceedings that are pending against the petitioner who is arrayed as Accused No.2 in P.R.C.No.48 of 2022, on the file of the Court of VII Additional Chief Metropolitan Magistrate, Hyderabad, the present Criminal Petition is filed.
2. Heard the submission of the learned counsel for the petitioner as well as the learned Assistant Public Prosecutor who is representing Respondent No.1.
3. Notice sent to Respondent No.2 returned unserved with an endorsement 'not claimed'. Hence, service is held sufficient.
4. The matrix of the case as could be perceived through the contents of the charge sheet is that the petitioner/Accused No.2 is the sister of Accused No.1. The petitioner is a Medical Practitioner by profession. Accused No.1 developed friendship with the 2nd respondent/*de facto* complainant. Accused No.1, by mixing alcohol in cool drink, made the 2nd respondent to consume the same and

thereafter, assaulted her sexually several times. In that regard, cases were registered against him. The 2nd respondent became pregnant. On coming to know about the said pregnancy, as per the advice of the petitioner/Accused No.2, accused No.1 bought Mifepristone tablets and made the 2nd respondent to swallow the same. Due to that, the foetus got damaged and later, the same was removed.

5. Making his submission, learned counsel for the petitioner contended that the petitioner never involved in the personal affairs of her brother. To settle scores, the petitioner is implicated in the case by the 2nd respondent. The 2nd respondent, with her own will and volition, got the pregnancy terminated and the same is evident through the statements of the prosecution witnesses themselves. The Discharge Summary also goes to show that the termination is not due to consumption of any tablets as alleged by the 2nd respondent and hence, continuation of proceedings against the petitioner/Accused No.2 is bad in law.

6. Per contra, the submission of the learned Assistant Public Prosecutor is that the 2nd respondent herself gave a

statement that basing on the information furnished by the petitioner to her brother i.e. accused No.1, the accused No.1 purchased the alleged tablets and made the 2nd respondent consume the same due to which the foetus got damaged and therefore, the proceedings have to be continued against the petitioner.

7. Opposing the said submission, learned counsel for the petitioner brought to the notice of this Court the statement that is given by Doctor Ganta Koteshwaramma, who is figured as one of the prosecution witnesses. In the said statement, the witness narrated that the 2nd respondent informed her that due to family problems, she decided to terminate her pregnancy and hence, necessary procedure for termination of pregnancy was conducted. Learned counsel also brought to the notice of this Court the statement given by another Doctor by name Dr.P.Sruthi. In the said statement, the witness narrated that the 2nd respondent informed Dr.Ganta Koteshwaramma that due to family problems, she does not intend to continue the pregnancy and she requested for abortion and therefore, as per hospital formalities,

necessary declaration was obtained and the consequences were explained and subsequently, foetus was got aborted. Thus, by those statements, it is evident that the 2nd respondent herself approached the hospital seeking for abortion. Thus, when the witnesses examined by the prosecuting agency themselves stated that it is a voluntary decision that is taken by the 2nd respondent, this Court is of the view that continuation of proceedings against the petitioner on the sole ground that basing on her suggestion, the accused No.1 gave the alleged tablets to the 2nd respondent and the 2nd respondent thereby consumed the same and thus, the pregnancy got aborted cannot be believed. Therefore, this Court is of the view that the request sought for by the petitioner for quash of proceedings is justifiable. Hence, this Court considers desirable to allow the Criminal petition as prayed for.

8. Resultantly, the Criminal Petition is allowed. The proceedings that are pending against the petitioner who is arrayed as Accused No.2 in PRC.No.48 of 2022, on the file of the Court of VII Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed.

9. As a sequel thereto, miscellaneous petitions pending,
if any, shall stand closed.

SD/- L.SIVA PARVATHI
ASSISTANT REGISTRAR

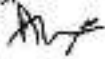
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SECTION OFFICER

To,

1. The VII Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Malakpet Police Station, Malakpet, Hyderabad.
3. One CC to Sri G. Narender Raj, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies
6. One Spare Copy

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HIGH COURT

DATED: 12/10/2022



ORDER

CRLP.No.4562 of 2022

ALLOWING THE CRL.P

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MA
1/11/22