

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

**TUESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 682 OF 2023

Between:

Sajeeda Begum, W/o. Sayeed Ahmed,

**...PETITIONER/ACCUSED NO.2/
RESPONDENT NO.1 IN IA NO.3 OF 2023**

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.
2. Mohammed Wajeed Ali, S/o. Mohammed Masood Ali,
**...RESPONDENTS/DEFACTO COMPLAINANT/
PETITIONER IN IA NO.3 OF 2023**

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 the proceedings in P.R.C. No. 31 of 2017 on the file of the Court of the VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

I.A. NO: 1 OF 2023

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 of all further proceedings in P.R.C. No. 31 of 2017 on the file of the Court of the VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad pending disposal of the Criminal Petition

I.A. NO: 2 OF 2023

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 permit the petitioner to enter into compromise with the 2nd respondent in view of Memorandum of Understanding dated 18-01-2023

I.A. NO: 3 OF 2023

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 compound the offence by recording the compromise in view of Memorandum of Understanding dated 18-01-2023

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K.NARSIMHA REDDY, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and of Sri Cheruku Ashokvardhan, Advocate for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.682 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.2 to quash the proceedings in P.R.C.No.31 of 2017, pending on the file of the Court of the VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The Offences punishable under Sections 313, 498-A of Indian Penal Code (for short "IPC") and Section 5 of the Medical Termination of Pregnancy Act, 1971.

2. Heard learned counsel for the petitioner-Accused No.2 and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. According to the Charge sheet, the 2nd respondent was taken to the hospital and vide I.P.No.873 of 2013 requested to terminate the pregnancy of the 2nd respondent and upon the request, pregnancy was terminated by consultant Doctor (A-3)

and she was discharged on 12.02.2014. The complaint was filed on 20.02.2014.

4. On the basis of request made on the termination of the pregnancy of the 2nd respondent, consultant Doctor (A-3) terminated the pregnancy. Even, according to the charge sheet, it is stated that the 2nd respondent was asked in the hospital about termination of pregnancy and thereafter the procedure for termination was done by the Doctor (A-3) of I.P.No.873 of 2013.

To attract an offence under Section 313 of I.P.C, a person has to cause miscarriage voluntarily without consent of the woman. Since the termination of pregnancy was done by the doctor in a hospital after the patient being admitted, no offence is made out against this petitioner under Section 313 of I.P.C.

5. Accordingly, the Criminal Petition is allowed and the charge under Section 313 of I.P.C against accused No.2 - petitioner is quashed. This Court shall proceed in respect of other offences.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-P.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

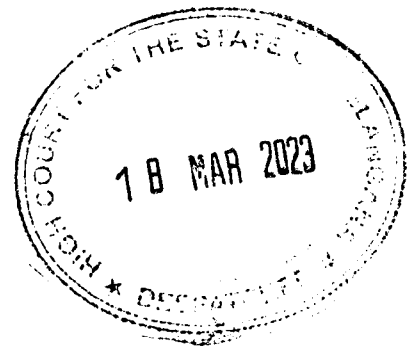
To

1. The VI Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Humayun Nagar Police Station, Humayun Nagar, Hyderabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to Sri K.Narasimha Reddy, Advocate [OPUC]
5. One CC to Sri Cheruku Ashokavardhan, Advocate [OPUC]
6. Two CD Copies

Kj.

HIGH COURT

DATED:21/02/2023



ORDER

CRLP.No.682 of 2023

ALLOWING THE CRL.P.

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18/3/23