APHC010195622024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

[3457]

TUESDAY, THE EIGHTH DAY OF APRIL TWO THOUSAND AND TWENTY FIVE
PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 2992/2024

Between:

Yettula Chakra Kumari, **...PETITIONER/ACCUSED**

AND

Mandadi Ramesh and Others **...RESPONDENT/COMPLAINANT(S)**

Counsel for the Petitioner/accused:
1. T V SRI DEVI

Counsel for the Respondent/complainant(S):
1. Y SUDHAKAR

2. PUBLIC PROSECUTOR (AP)

The Court made the following Order:

This Criminal Petition, under Section 482 of Cr.P.C. has been filed on behalf of the petitioner herein/A7, to quash the proceedings in C.C.No.776 of 2023 on the file of the learned II Additional Civil Judge, (Junior Division) cum XII Additional Metropolitan Magistrate, Anakapalli for the offences under Sections 447, 427 and 506 read with 34 IPC.

2. Heard learned counsel for the petitioner herein/A7, learned counsel for respondent No.2 and learned Assistant Public Prosecutor representing the State.

3. Learned counsel for the petitioner would submit that on the date of alleged incident the petitioner is not present in the scene of offence and that she is not even in India on that particular date. He submits that the petitioner left India on 12.12.2019 and returned to India on 24.10.2020 only. He produced a copy of flight tickets of the petitioner in proof of the same.

4. Learned counsel for respondent No.2 submits that the veracity of the flight tickets have to be tested by the trial Court and the issue has to be dealt in trail to ascertain whether the petitioner was present or not.

5. Learned Assistant Public Prosecutor would submits that the issue that petitioner is in India or not on the date of alleged incident has to be decided in trial and relies on the Judgment of this Court in Crl.P.No.8159 of 2018.

6. On a perusal of the petitioner's passport, it can be believed that the petitioner has left India on 12.12.2019 and returned to

India on 24.10.2020 only, as the endorsement on the passport was issued by the Ministry of External Affairs.

7. The facts dealt by the learned Single Judge in Crl.P.No.8159 of 2018 are not similar to the facts of the present case and as such, this Court is not inclined to follow the same.

8. Considering the facts and circumstances of the case, this Court is inclined to quash the proceedings in C.C.No.776 of 2023 on the file of the learned II Additional Civil Judge, (Junior Division) cum XII Additional Metropolitan Magistrate, Anakapalli, against the petitioner herein.

9. Accordingly, the Criminal Petition is allowed and the proceedings in C.C.No.776 of 2023 on the file of the learned II Additional Civil Judge, (Junior Division) cum XII Additional Metropolitan Magistrate, Anakapalli, against the petitioner herein are hereby quashed.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE HARINATH.N

Dated: 08.04.2025
PSA

THE HONOURABLE SRI JUSTICE HARINATH.N

Criminal Petition No:2992 of 2024

Date: 08.04.2025

PSA