

THE HON'BLE MRS JUSTICE ANIS

CRIMINAL PETITION No.2980 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/Accused No.1 under Section 482 Cr.P.C. seeking to quash the proceedings in Crime No.69 of 2015 of Tadepalli Police Station, Guntur District, which was registered for the offences punishable under Sections 306 and 384 IPC.

2. Learned counsel for the petitioner argued that the father of the 1st respondent and four others were obtained loan of Rs.50,000/- each from the Chaitanya Godavari Grameena Bank, Peumka, Guntur District. Further, the father of the 1st respondent/informant along with three others have formed a society in the name and style of "Shree Shankar Bhagwan Kavula Rythula Sangam'. Further, ten ryots have taken rythu mithra loan of Rs.40,000/- each. As they all obtained loan by forming a society, other ryots have asked the father of informant to repay the borrowed loan to the bank as the bank pressurised for repayment of the loan. Thereupon, the father of the 1st respondent felt insulted and committed suicide. Further, no reason was given for the death of the father of the 1st respondent and no report was given to the police at the time of accident or after the death of the father of the 1st respondent and only after cremation of the body, the complaint was lodged.

3. It is argued that the complaint is silent as to whose instigation the father of the 1st respondent committed suicide and there is no instigation on the part of the petitioner for the deceased to commit suicide and therefore prayed to quash the proceedings.

4. On the other hand the learned Public Prosecutor argued that the complaint given by the defacto complainant has to be investigated by the investigating officer and at the stage of crime, it cannot be quashed.

5. A perusal of the record would show that basing on the complaint given by the defacto complainant, a case in Crime No.69 of 2015 was registered on 09.03.2015 under Section 306 IPC and 384 IPC.

6. Learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any crime much less abetting the deceased to commit suicide. The police have filed false case against the petitioner. Further, he submitted that the investigation may go on and till then the accused may not be arrested.

7. Having regard to the facts and circumstances of the case and also the principles enunciated by the Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab and State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

8. In view of the facts and circumstances of the case, the Station House Officer, Tadepalli Police Station is hereby directed to continue the investigation and not to arrest the petitioner/A-1 in Crime No.69 of 2015 till completion of investigation or filing of report.

9. With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

Date:08.04.2015

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THE HON'BLE MRS JUSTICE ANIS

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