

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-

CRIMINAL PETITION No.3121 of 2015

ORDER:

The instant petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the FIR in Crime No.1399 of 2014 of Banjara Hills Police Station, Hyderabad, against the petitioners who are arraigned as A.1 and A.2 in the said crime. As seen from the copy of the original complaint filed by the second respondent, Dr.Janardhan, Department of Forensic Medicine, Osmania General Hospital is also arraigned as A.3. The said complaint was referred to police, under Section 156(3) Cr.P.C, by the III Additional Chief Metropolitan Magistrate, Hyderabad.

The facts, as revealed from the material on record, are that the sister of the complainant, second respondent herein, by name T.Hemalatha was married to the first petitioner, an IT Professional, 14 years prior to the date of death of the said T.Hemalatha; that out of their wedlock, a male child was also born; that, since six months prior to the date of death of the deceased, there used to be petty matrimonial quarrels; that, on 25.06.2014, at about 2.30 p.m, the first petitioner informed the second respondent over phone that his wife, Hemalatha, committed suicide at his residence at Road No.12, Banjara Hills, Hyderabad, on which, her mother, Smt T.Naga Malleswari, rushed to the place and found the same; that initially the mother of the said Hemalatha, who is the mother-in-law of the first petitioner, filed complaint on 25.06.2014 itself with the Station House Officer, Banjara Hills Police Station, Hyderabad; and that the said complaint was registered as Crime No.668 of 2014, under Section 174 Cr.P.C, and investigated into.

While things stood thus, the brother of the deceased, Sri T.Ganesh Kumar, who is the second respondent herein, filed a private

complaint against the petitioners and the said Dr.Janardhan, arraigning them as A.1 to A.3 respectively, extracting e-mails, gathered from the mail of the deceased, to the effect that there was some sort of relation between the first and second petitioners and, thus, the offences punishable under Sections 120-B, 302, 406, 465, 471, 197, 201, 203 and 218 IPC were levelled.

Heard both sides.

Learned counsel for the petitioners submits that the suicide note, seized by the police concerned, copy of which is also placed for perusal of the Court at page No.'39' in the material papers would clearly show that the deceased has not levelled any allegation against the first petitioner and mentioned therein that she was solely responsible for her decision to commit suicide. It is his submission that, when the earlier FIR in Crime No.668 of 2014 was under investigation, and final report yet to be filed, and accepted by the concerned Court, with false motive, the private complaint is filed against the petitioners and Dr.Janardhan. It is, therefore, his submission that, since there are no allegations, when kept in view the suicide note, it is a case for quashing the proceedings. However, he also requests that, pursuant to the notice issued by the Station House Officer, P.S. Banjara Hills, Hyderabad, the first petitioner appeared before him and, since the first petitioner is an IT Professional, and the second petitioner being a resident of Mumbai, working thereat as a private employee, they may not be arrested.

Learned Additional Public Prosecutor appearing for the Telangana State opposed the request.

Perused the material on record, which shows that notice under Section 41-A Cr.P.C., was already issued to the first petitioner on 23.12.2014 requiring him to appear within two days from the date of receipt of notice which was issued by the Inspector of Police, P.S. Banjara Hills, Hyderabad. Irrespective of the result of investigation, in case the investigation is completed in earlier

Crime No.668 of 2014, filed under Section 174 Cr.P.C, which was registered on the complaint of the mother-in-law of the first petitioner, the allegations levelled in the private complaint referred to the police in the instant crime, since require a thorough probe in view of the e-mails extracted, as mentioned above, it cannot be said, at this stage, that it is an abuse of process of law to exercise extraordinary jurisdiction to quash the proceedings in the instant FIR.

However, keeping in view, that the first petitioner is an IT Professional, working as Vice-President in M/s.JDA Software Technologies at Hitech City, Hyderabad, and the second petitioner being a resident of Mumbai, it is desirable to direct the investigating agency not to arrest the petitioners till completion of proceedings. But, however, the petitioners are directed to cooperate with investigating agency and appear before the investigating officer as and when directed.

With the above direction, the Criminal Petition is dismissed.

As a sequel thereto, miscellaneous applications, if any, also stand dismissed.

A. SHANKAR NARAYANA, J

Date:22.04.2015

usd

