

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.8838 of 2011

ORDER:-

The petition is filed under Section 482 Cr.P.C., to quash all further proceedings in S.C.No.95 and 2010 on the file of the Principal Sessions Judge, Nalgonda, arising out of Cr.No.262 of 2008 of P.S.Kodad. The petitioner is the sole accused in the said Sessions Case wherein the offences alleged are under Sections 306 and 498-A I.P.C. The 1st respondent herein is the de facto complainant.

2. Facts in brief are as under:-

Praneetha (hereinafter referred to as 'the deceased'), daughter of the de facto complainant, was married to the petitioner/accused on 01-03-2008. Sufficient amounts of dowry both in cash and kind was given. The petitioner/husband was working as software engineer in Hyderabad. It is alleged that ever since the marriage, the husband used to harass and ill-treat the deceased wife. Due to such harassment, the deceased was not taking food properly and consequently, she fell sick. Ultimately, on 17-12-2008 the de facto complainant took her deceased daughter to Kodad from Yellandu, Khammam District and got her treated in a private hospital. As the health condition of the deceased was not stable, she was advised to be taken to Hyderabad and on 28-12-2008 when she was being shifted to Hyderabad, the deceased died on the way. Next day i.e., on 29-12-2008 the complaint was filed. The dead body was subject to post-mortem examination and the Medical Officer opined that the death of the deceased is due to *cardio respiratory arrest due to shock*.

3. The contention of the petitioner/accused is that even if the entire allegations in the charge-sheet and also the complaint are taken on its face value, absolutely no ingredients of either Section 498-A I.P.C., or Section 306 I.P.C., are made out. It is submitted that even according to the complainant, the deceased died due to weakness and general ailment, which resulted in her *cardio respiratory arrest*. Except for vaguely saying that the health condition of the deceased was getting decayed due

to harassment by the husband, nothing specific is alleged either in the complaint or in the charge-sheet. Therefore, learned Counsel submits that the proceedings in the case are liable to be quashed.

4. On the other hand, learned Public Prosecutor submits that on the basis of the material gathered, the charge-sheet has been filed and at this stage, the same cannot be quashed on the ground that the ingredients of Sections 498-A and 306 I.P.C., are not made out.

5. The admitted case is that the deceased Praneetha was married to the petitioner/accused on 01-03-2008. They have been living together in different place including Hyderabad. According to the complainant/mother of the deceased, unable to bear the harassment of the deceased, the deceased was not taking food properly day-by-day her health became weak. It is also the admitted case that ultimately on 17-12-2008, the de facto complainant/mother of the deceased herself took the deceased to Kodad and from there, the deceased was taken to Yellandu and was admitted in a private hospital for treatment. The deceased underwent treatment at the said hospital for more than ten days. Medical record is produced to show about the treatment of the deceased at Yellandu. All kinds of tests were conducted there. Even though treatment was given for ten days, as there was no improvement in the health of the deceased, she was advised to be taken to Hyderabad for better treatment and on 28-12-2008 when the deceased was brought to Kamineni Hospital, Hyderabad, she was declared brought dead. It is also admitted case that after consulting with the relations, the mother filed the complaint more than 28 hours after the death i.e., on 29-12-2008. It is also borne out from the record that the death of the deceased is due to *cardio respiratory arrest*. The Doctor, who conducted post-mortem, did not find anything either on the body or on dissection that there was any circumstance for suspecting the death of the deceased. Even according to the de facto complainant, it was the deceased wife herself who was not taking proper food. In view of the nature of the evidence that is placed on record, *prima facie* absolutely there is nothing which can be said to amount to either treating the wife cruelly by the petitioner/husband or is there any

allegation or aspersion that the petitioner/accused who has instigated or abetted or he is in any way responsible for the unfortunate death of the deceased. The material on record shows that continuing the criminal case against the petitioner/accused any further would amount to abuse of the process of law and the petitioner/husband/accused will be subjected to hardship.

6. In the result, the Criminal Petition is allowed quashing the proceedings against the petitioner/accused in S.C.No.95 of 2010 on the file of the Principal Sessions Judge, Nalgonda.

Miscellaneous petitions, if any, pending in this revision case shall stand closed.

M.S.K.Jaiswal, J

9th July, 2015

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