

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.10247 OF 2013

ORDER:

This criminal petition under Section 482 of the Code of Criminal Procedure is filed by the petitioner/A.4 seeking to quash the proceedings in S.C.No.161 of 2009 on the file of the Sessions Judge, Mahila Court-cum-VI Additional District and Sessions Judge, Visakhapatnam, arising out of offences under Sections 498-A and 306 IPC.

The brief facts of the case are as follows. The marriage between A.1 and deceased No.1 (D1) was performed in the year 1997 and at the time of marriage, the first respondent gave Rs.88,000/- towards dowry, 10 tulas of gold and Rs.10,000/- towards adapaduchu lanchanam. They blessed with two children. After some time, A.1 harassed D.1 demanding money with the active support of A.2 to A.4 and then the first respondent gave an amount of Rs.20,000/- as loan to A.1. on 09.09.2006 morning, A.1 came from Guntur and picked up quarrel with D.1, and later D.1 along with D.2 went to her parents house at Railway New Colony. On 10.09.2006 at about 17.30 hours, D.1 and D.2 were taken to Adavivaram by the younger brother and dropped them at in-law's house. But A.3 did not allow D.1 and D.2 into her residential portion i.e., upstairs. The mother of D.1 went rushed to Adavivaram and questioned A.3 as to why D.1 was not given entry into the house. Again there arose scuffle. At last, A.3 handed over keys of upstairs portion to D.1. Then D.1 and D.2 went to upstairs and shut the doors. Thereafter, D.1 never opened the doors. Later, D.1 and D.2 died leaving a suicide note by D.1.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner/A.4 is the sister-in-law of D.1 and that there are no allegations against the petitioner herein. He further submits that originally there are four

accused and A.1 to A.3 died during pendency of the case and as such, the case abated against A.1 to A.3.

On entire reading of the charge sheet and also the suicide note left by D.1, this Court is of the view that no offence is made out against the petitioner herein. Admittedly, the deceased does not have any grievance against any of the family members and the said suicide reads as under.

“My name is Lakshmi and I am a cruel woman. I decided to die. Let my husband, and in laws be happy hereafter. I wish my elder daughter’s marriage with my brother, because he is nice person. “Please Sir” I am going to lord Parameswara. O’ my Mother, father, elder and younger brothers, sister in law, I do not come to your house forever. My elder daughter is innocent, please take care of her”.

The above suicide note clearly indicates the fact that the petitioner is nothing to do with the death of the deceased concerned. Hence, this Court is of the view that it is a fit case to quash the proceedings initiated against the petitioner/A.4.

In the result, the criminal petition is allowed and the proceedings in S.C.No.161 of 2009 on the file of the Sessions Judge, Mahila Court-cum-VI Additional District and Sessions Judge, Visakhapatnam, as against the petitioner herein, is hereby quashed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE RAJA ELANGO

14.09.2015
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