

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42360 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in registering Crime No.218 of 2016 on the file of Narayankhed Police Station, Medak District (now Sangareddy District), for the offences under Sections 302, 309, 498-A and 109 r/w.34 IPC, as illegal and arbitrary, and consequently, direct the 2nd respondent not to arrest the petitioner.

Heard and perused the material available on record.

The case in brief is that the due to the harassment of her husband and in laws, the petitioner decided to end her life and also with an intention to save her two male children from the hands of the other accused, she mixed the poisonous granules into water and administered it to her children and she also consumed it, due to which the children died while undergoing treatment, and she was rescued and treated in the hospital. The 3rd respondent, who is the father of the 1st petitioner, lodged the complaint and basing on the same, the present case is registered.

Learned counsel for the petitioner submitted that the marriage of the petitioner was performed with A2 four years back, and after giving birth to two children, the husband and the other family members i.e. A2 to A5 started harassing the petitioner physically and mentally demanding additional dowry and due to the unbearable harassment by the other accused, the petitioner consumed poison and also gave to her children under deep depression that no one would see her children after her death, and unfortunately, the children died and she was rescued and

that there is no intention to the petitioner to kill her children and actually, she is the victim in the case, but unfortunately, she became an accused.

Normally this Court is not inclined to grant the relief of stay of arrest of the accused, involved in an offence under Section 302 IPC. But, considering the facts and circumstances of the present case, and in view of the submissions of the learned counsel for the petitioner, without going into the merits of the case, this Court is of the view that the above crime can be investigated into, without arresting the petitioner.

Accordingly, the 2nd respondent is directed to complete the investigation and file a final report in the above crime, in accordance with law, without arresting the petitioner. The petitioner is also directed to appear before the investigating officer concerned and execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety for the like sum for her future appearance as and when required for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 06, 2016.
KTL

