

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.M.P.No.10252 of 2014 & Criminal Petition No.9324 of 2014

COMMON ORDER:

The Criminal Petition under Section 482 Cr.P.C. is filed by the petitioners/A-1 and A-2 seeking to quash the proceedings initiated against the petitioners in Crime No.52 of 2014 of Tukaramgate, Secunderabad registered for the offences punishable under Sections 306 IPC.

When the matter is taken up for hearing, Crl.M.P.No.10252 of 2014 is filed seeking to record compromise arose between the petitioner and the respondents 1 and 2. The petitioner and the respondents 1 and 2 have appeared before this Court and submitted through their Counsel that due to intervention of elders they entered into compromise and therefore, the proceedings in the above crime may be quashed. The 2nd respondent-de facto complainant filed an affidavit to that effect. Both the parties filed a joint memo of compromise also.

Having regard to the facts and circumstances of the case, since the offence involved in the alleged crime punishable under Section 306 IPC is non-compoundable one, compounding of the offence is not permissible as per Section 320 Cr.P.C. More over, the second respondent herein is not a competent person to compound the alleged offence and hence, Crl.M.P.No.10252 of 2014 is dismissed.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the respondents and perused the material.

The case of the petitioners is that the first petitioner is the

husband and the second petitioner is the sister-in-law of the deceased Londe Jamuna, who committed suicide on 28-03-2013 at 6.00 P.M. at her residence. It is the further case of the petitioners that they were falsely implicated in the alleged crime and they never beat the deceased at any point of time and that the second respondent given a false complaint to the police in order to wreck vengeance against them.

The complaint given by the second respondent clearly discloses that her son-in-law used to consume alcohol and beat her daughter (the deceased) regularly and he always steal petty items from nearby localities and forced the deceased to do thefts and his sister i.e. the second petitioner herein also used to beat the deceased several times. A reading of the complaint and the material on record makes it clear that there is no incriminating circumstance that the petitioners have induced the deceased Jamuna to commit suicide. In the absence of any specific material, this Court is of the view that the prosecution against the petitioners is nothing but an abuse of law, and hence, the proceedings initiated against the petitioners are liable to be quashed.

Accordingly, the proceedings initiated against the petitioners in Crime No.52 of 2014 of Tukaramgate, Secunderabad are hereby quashed and the Criminal Petition is allowed. Consequently, miscellaneous petitions, if any, pending shall stand closed.

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RAJA ELANGO, J

Date: 11-04-2016

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