

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.15237 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash F.I.R No.27 of 2016 dated 11.06.2016 on the file of Tiryani Police Station, Tiryani Mandal, Komaram Bheem (Asifabad) District, for the offence punishable under Section 174 Cr.P.C.

Section 174 of Cr.P.C permits the police officer to inquire into and report on suicide. For better appreciation of the case, it is appropriate to have a glance at Section 174 and it reads as follows:

“1.When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.

2. The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

3. When—

- i. the case involves suicide by a woman within seven years of her marriage; or
- ii. the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or
- iii. the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or
- iv. there is any doubt regarding the cause of death; or

- v. the police officer for any other reason considers it expedient so to do, he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.
4. The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.”

In the present facts of the case, F.I.R was altered from Section 174 Cr.P.C to Section 306 r/w 34 I.P.C and the specific allegation made in the alteration memo discloses the involvement of the petitioner directly and thus, the material on record discloses the facts on its face value that it constitute an offence punishable under Section 306 r/w 34 I.P.C. When the facts disclosed that it constitutes an offence, this Court would not interfere normally under Section 482 which can be exercised sparingly. Hence, I find no ground to quash the proceedings at this stage.

The apprehension of the petitioner is that he is an employee and the police may arrest him at any stage during investigation and requested this Court to pass an order not to arrest him. If such a request is acceded by this Court, it amounts to interference with the investigation, as held by **Parvinderjit Singh v. State (U.T.Chandigarh)**¹

Therefore, I am not inclined to pass any order directing the investigation agency not to arrest the petitioner. However, the petitioner is at liberty to move appropriate application before

¹ AIR 2009 SC 502

competent Court in the event of his arrest in connection with the above crime.

With the above direction, the criminal petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:26.10.2016
SP

