

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.11403 of 2013

ORDER:

The petitioner who is A2 in PRC No.16 of 2013 on the file of II Metropolitan Magistrate for Railways, Secunderabad arising out of Crime No.78 of 2011 of Bellampally RPS prays to quash the proceedings against him.

2) The police of RPS, Bellampally laid charge sheet against A1 and petitioner/A2 for the offence under Sec.306 IPC for harassing the deceased in the name of love and drove her to commit suicide. The prosecution case is that the deceased was a student of M.A (Political Science) II year in O.U Campus, Hyderabad and prosecuting studies by staying in O.U Hostel along with Lws.7 and 8. While she was studying II year, A.1 who is her classmate used to follow her and harassing her stating that he was loving her and ready to marry her but as he was already married, she discarded his proposal. Even then, A1 continued to harass her by making phone calls and sending filthy SMSs to her cell phone. As the deceased told the matter to her friends i.e. LWs.7 and 8, they called A1 and reprimanded him. A1 apologized them but bearing grudge, it is alleged, he gave her cell phone number to petitioner/A2, who is Government teacher and then A2 started harassing the deceased by making calls to her cell phone and sending SMSs. Unable to bear their torture, the deceased again reported the matter to her friends and then

they took the deceased to LW10 who is a Professor in Political Science in Osmania University and informed her about the harassment of A1 and A2. She advised the deceased to change her cell phone number. The deceased informed her that she is in a depressed mood and unable to concentrate on her studies and took permission and went to her parents at Godavarikhani. She attended examination on 09.05.2011. On the early hours of 11.05.2011 she committed suicide by falling under SNF loco pilot train at Ramagundam Railway Station. Charge sheet was taken cognizance and PRC was registered.

Hence the petition by petitioner/A2.

3) Heard both sides.

4) Denying the charge, learned counsel for petitioner/A2 vehemently argued that as per the statements of the parents of deceased, she committed suicide because she failed to write the examination well and therefore the charge sheet is not maintainable against the accused. Further, police failed to mention the particulars of the phone number of A2 through which he allegedly made calls to the deceased. He thus submitted that continuation of the proceeding against petitioner/A2 would amount to abuse of process of Court and therefore, the proceedings may be quashed against him.

5) Learned Public Prosecutor opposed the petition stating that though the parents by ignorance opined that the suicide

was due to their daughter not writing the exam hall, but the statements of the classmates and the Professor of the deceased would clearly show the complicity of both accused and therefore, the petition is not maintainable.

6) I find force in the submission of learned Public Prosecutor. The statements of LWs.7, 8 and 10 would reveal a *prima facie* case against the petitioner/A2 and A1 as to how they fell behind her and harassed by phone calls and SMSs. Of course, the veracity of their statements has to be tested during the trial. As the case stands, since there is a *prima facie* material against the accused, it is not a fit case to quash the proceedings.

7) Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 12.08.2016

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