

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.35210 of 2012

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Home for respondents 1 and 2.

2. This writ petition was filed challenging the action of the second respondent in not registering FIR based on the complaint lodged by the petitioner with regard to the incident that occurred on 03.09.2012.

3. A counter was filed by the second respondent stating that a complaint was lodged on 04.09.2012 by a neighbour of the petitioner stating when he came to know that the petitioner is behaving madly, he went to the house of the petitioner on the intervening night of 3/4.09.2012, he saw the daughters of the petitioner, Nandini and Joshna, dead. He got suspicion on in-laws of the petitioner. Pursuant to the said complaint, Crime No.122 of 2012 was registered against three persons who are suspects on the file of the Station House Officer, Shankerpalli Police Station, Ranga Reddy District. During the course of investigation, a paper written in Telugu was recovered which showed that the petitioner was in a state of depression and decided to end her life along with her children due to the death of her husband. When the Investigation Officer went to the Gandhi Hospital, Hyderabad on 06.09.2012, the doctors advised that she was not in a position to depose. During the course of investigation, five witnesses including the complainant were examined.

4. An additional counter was filed by the second respondent stating that the doctors, who conducted autopsy over the dead bodies of children of the petitioner, opined that the second deceased, Joshna, aged about 7 months, died due to homicide. Based on the said report, section of law was altered from Section 174 IPC to Section 302 IPC. Thereafter,

investigation was taken up by the Circle Inspector of Police, Chevella, Ranga Reddy District. The petitioner was examined on 26.12.2012 and her detailed statement was recorded. The additional counter was filed in December, 2012 and it is also inconclusive.

5. Thereafter, the learned Government Pleader got written instructions wherein it was stated that after alteration of section and further investigation, a final report was filed stating that cause of death of the deceased was due to organophosphate, an insecticide poison. Involvement of three persons, who were named in the FIR, was not proved. The petitioner, disgusted with her life, decided to commit suicide and she administered poison to her children. The petitioner was arrested on 09.06.2014 and she admitted her guilt. A charge sheet was filed on 31.07.2014 in S.C.No.14 of 2015 before the Additional District and Sessions Judge, Ranga Reddy District and the case is pending trial.

6. In view of the above facts, it cannot be said that no crime was registered and no investigation was conducted with regard to the incident that occurred on 03.09.2012. Hence, the writ petition is dismissed. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 22.02.2016

TJMR