

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.681 of 2012

ORDER:

The Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) seeking to quash the proceedings in P.R.C.No.32 of 2007 on the file of the Court of the Judicial First Class Magistrate, at Vikarabad, Ranga Reddy District, arising out of offences under Sections 498-A and 306 IPC.

Heard and perused the material available on record.

The case of the prosecution is that the petitioners herein, who are A.1 to A.4, along with another accused, who is A.5, harassed the deceased and as such, unable to bear such harassment, the deceased committed suicide and died.

The petitioners herein are charged for the offences under Sections 498-A and 306 IPC along with another person, who is A.5. It is an admitted fact, even according to the prosecution, that the petitioners are not related to the husband of the deceased, who is A.5 and that they are the co-workers of A.5 and as such, the offence under Section 498-A IPC would not attract insofar as the petitioners herein are concerned. Hence, the petitioners are entitled for acquittal for the offence under Section 498-A IPC.

Insofar as the offence under Section 306 IPC is concerned, it is the case of L.W.1, complainant, that due to the insult by the petitioners herein along with A.5, his daughter committed suicide. This Court is of the view that except the said allegation, there is nothing on record to attract an offence under Section 306 IPC as against the petitioners herein. The entire reading of the charge sheet filed before the Court concerned, no specific overacts are attributed against the petitioners herein to attract an offence under Section 306 IPC.

This Court of the view that even admitting that the entire case of the prosecution is true, the petitioners herein cannot be convicted for an offence under Section 306 IPC. To attract an offence under Section 306 IPC, there shall be an inducement by the accused to the diseased concerned, and because of such inducement only, the diseased commits suicide, and further the person who

commits suicide has no other alternative remedy except to commit suicide. In the present case there is no inducement by the petitioners herein, and as such the petitioners herein are entitled for acquittal for the offence under Section 306 IPC.

The criminal petition is accordingly allowed and the proceedings in P.R.C.No.32 of 2007 on the file of the Judicial First Class Magistrate, at Vikarabad, Ranga Reddy District, are hereby quashed and the petitioners are acquitted of the offences alleged against them.

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

JUSTICE RAJA ELANGO

26.07.2016
pln

