

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39135 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to call for records in FIR No.118 of 2016 and to quash the same.

Heard and perused the material available on record.

The case of the petitioners is that the 3rd respondent lodged the present complaint against the petitioners alleging that the family members i.e., parents and other community elders made the elder daughter of the petitioners, Miss Aaradhana, aged about 13 years, to go fast for 68 days without any food as a Jain Community Ritual called Tapasya during Choumas period and that the said Aaradhana died in a suspicious circumstances on early hours of 03.10.2016 and that the act of parents, family members and community elders is nothing but a murder of innocent child on the name of Rituals. It is further case of the petitioners that the petitioners permitted her daughter to perform religious rituals fasting ceremony called PRASHYUSA which is a customary practice in Jain religion usually taken up during the monsoon season and can be undertaken by any member of Jain Samaj/Community irrespective of their age or creed and the fasting families or members can take up this fast only voluntarily without any kind of pressure or coercion from the peers. The elder daughter of the petitioners, Aaradhana, expressed her wish to perform the fast of Paryushan in the month of September, 2016 and that on earlier two occasions, the petitioners' daughter performed the same fast successful in the year 2014 for a period of eight (8) days and in the year, 2015, for a period of 34 days and that the petitioners' daughter has completed her 68 days of fasting without any hurdle and there are witnesses and evidences on record to show that even on the 68th day of her fasting, she

was hail, healthy, conscious and coherent and that two days after completion of her fasting i.e., on 03.10.2016 in the night, the said Aaradhana has complained of chest pain and immediately upon noticing that, the petitioners have taken her to KIMS Hospital where the doctors have declared her death and have opined that the death of the said Aaradhana is due to Cardiac Arrest. The main grievance of the petitioners is that after lapse of six days of the demise of the daughter, the 3rd respondent, claiming to be a President of an NGO namely Andhra Pradesh Balala Hakkula Sangham has lodged the present complaint on 09.10.2016 before the 2nd respondent.

Learned counsel for the petitioners submit that the petitioners never intend to harass their own child and there is no criminal intention on the part of the petitioners herein and the learned counsel also informed that the petitioners are ready to co-operate with the investigation.

Considering the grievance of the petitioners and the submissions of the learned counsel for the petitioners, the 2nd respondent is directed to complete the investigation in FIR No.118 of 2016, as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioners. The petitioners are directed to appear before the 2nd respondent as and when required by the 2nd respondent for the purpose of investigation.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st December, 2016

KL