

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.1582 of 2015

ORDER :

This criminal petition is filed by the petitioner/A.2 under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') to quash the proceedings in P.R.C.No.23 of 2014 pending on the file of the XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, for the offence punishable under Section 306 read with 34 IPC.

2. The petitioner is A.2 in the said P.R.C. and the specific allegation made against this petitioner is that the deceased Vishal Mehra mortgaged the house in favour of A.1 and obtained hand loan of Rs.1,50,000/-. A.1 colluded with the petitioner/A.2, taken the deceased with them and obtained a memo of deposit of title deed in favour of the petitioner vide registered document No.14924 of 2012 at District Registrar, Ranga Reddy East, by paying an amount of Rs.3,00,000/- to A.1. Thereafter, A.1 and A.2 harassed the deceased to pay the hand loan along with interest amount. The deceased Vishal Mehra informed that he has taken only Rs.1,50,000/- from A.1, but the accused persons insisted him to pay Rs.3,00,000/-. Due to unbearable torture of A.1 and A.2, he fed up with his life and taken the extreme step to commit suicide by dousing with kerosene and set ablaze himself and succumbed to burn injuries and thus committed suicide.

3. Sri P. Venkata Ramana, learned counsel for the 2nd respondent-de facto complainant, submitted that the de facto complainant i.e., father of the deceased, endorsed no objection to allow the criminal petition and filed Crl.P.M.P.No.18584 of 2016 to that effect. Since it is a serious offence punishable under Section 306 IPC, this Court did not accept the no objection reported. However, Section 306 IPC deals with abetment of suicide. Admittedly, the death of Vishal Mehra is a suicidal death. But, the question is whether the petitioner/A.2 is abetted the deceased to commit suicide or not.

4. Section 107 IPC defines abetment, which reads as follows:

“Abetment of a thing: A person abets the doing of a thing, who, firstly, instigates any person to do that thing; or secondly, engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or, thirdly, intentionally aids, by any act or illegal omission, the doing of that thing.”

5. The explanation thereto further contains a person, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

6. In the entire charge sheet, there is absolutely no allegation which falls within the clauses 1 to 3 of Section 107 IPC. Therefore, in the absence of any allegation to attract the offence punishable under

Section 306 IPC, it is difficult to convict the accused for the offence punishable under Section 306 IPC, more fully the de facto complainant appears to have been compromised and that is the reason for making such endorsement to allow the criminal petition. But, considering the facts and circumstances and filing of memo reporting no objection by the learned counsel for the de facto complainant, the proceedings are hereby quashed having found no allegation to proceed against the petitioner for the offence punishable under Section 306 IPC.

7. Accordingly, the criminal petition is allowed quashing the proceedings in P.R.C.No.23 of 2014 pending on the file of the XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, against the petitioner for the offence punishable under Section 306 IPC.

8. Miscellaneous petitions pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

8th December 2016

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