

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36922 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.89 of 2016 on the file of Kulkacherla Police Station, Ranga Reddy District insofar as the petitioner is concerned.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 306 read with 34 I.P.C.
4. When the matter is posted for instructions, the learned Assistant Government Pleader for Home produced the written instructions of respondent No.2 wherein it is stated as follows:

“..... It is submitted that, the petitioner herein is Accused No.6 in Crime No.89/2016 u/s.306 read with 34 IPC of Kulakacherla Police Station, Ranga Reddy District (now Vikarabad District). The said case was registered on 18.6.2016 based on the complaint lodged by Varla Anjilaiah, wherein the complainant stated that his brother Sathaiah Goud committed suicide unable to bear the harassment meted towards him by the accused persons.

During the course of investigation in the above crime, it is revealed that the deceased had extra-marital relations with the petitioner. The deceased in his suicidal note mentioned that the petitioner had demanded amount and he made payment of Rs.2.85 lakhs by mortgaging his car with the financiers. It was also mentioned in the suicide note that the petitioner further demanded him to pay Rs.6 lakhs and in that regard she started harassing him. Therefore, the allegation that no case is made out against the petitioner in the above crime is false, baseless and hence denied.... ”

From the above written instructions, it is evident that the petitioner is a widow and she developed intimacy with the deceased, who was away from his family, and during the stay with the petitioner, he paid a sum of Rs.2,85,000/- and she further demanded him to pay Rs.6,00,000/- and in that regard, she started harassing him and that is one of the reasons for the deceased to commit suicide.

5. Learned counsel for the petitioner submitted that knowing fully well that the petitioner is a widow and living alone, the deceased developed intimacy with her; that the deceased had grievance against his wife and children and the petitioner has nothing to do with the suicide of the deceased and hence, prays to quash the proceedings in the said crime.

6. Considering all the facts and circumstances of the case, this Court is not inclined to interfere with the investigation of the respondent police. At the same time, taking into consideration of the fact that the petitioner is a widow, the respondent police are directed to complete the investigation and file a final report, if any, without arresting the petitioner. The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of respondent No.2 herein and also to report before respondent No.2 as and when required for the purpose of investigation.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

7.11.2016
AMD



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Date: 7.11.2016

AMD