

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.7758 of 2011

ORDER:

1. The petitioners, who are arrayed as A1 to A5, filed this petition under Section 482 Cr.P.C. seeking to quash the proceedings in PRC No.10 of 2010 on the file of the Judicial First Class Magistrate, Narayanpet.

2. It is the contention of the petitioners that the averments in the protest petition are absolutely vague and baseless and without any supporting material. It is contended that simply basing on the sworn statements of the interested witnesses, the learned Magistrate took the case on file, which is amounting to abuse of process of courts resulting injustice and therefore, the proceedings in the above PRC are liable to be quashed.

3. On the other hand, the learned Public Prosecutor contended that there are specific overt acts attributed to A1 to A5 and that they instigated and threatened the deceased stating that the 1st petitioner-A1 has no intention to marry the deceased and that A1, A2, A4 and A5 threatened the deceased not to marry the 1st petitioner-A1 and due to the said harassment, the deceased committed suicide by burning on 27.2.2009 and while undergoing treatment, she died on 3.3.2009. He further contended that as the Investigation officer referred the case as false by creating false and fabricated documents under the political influence, the Sub-Inspector of Police, Narayanpet submitted a final report referring the case as false, aggrieved by which the 2nd respondent filed the protest petition.

4. Perusal of the record goes to suggest that 2nd respondent-complainant is the mother of the deceased-Shajahan Begum. Accused Nos.2 and 3 are the parents of A1. A4 is the elder brother and A5 is the friend of A1. The elders and mediators settled the marriage between the deceased and A1. Accordingly, on 2.5.2008, engagement ceremony was

performed in the house of the complainant. The parents of A1 i.e., A2 and A3 presented the silver ring, bangles, flowers and sweets to the deceased Shajahan Begum in the said engagement function. It is further alleged that after the engagement ceremony, A3 has continuously in contacts with the deceased and the complainant, by regularly visiting their house. However, at the instigation of A1, A3 came to the house of the complainant on 13.2.2009 and started harassing the deceased stating that her son has no interest to marry her, and that her son dislikes her, and that no marriage will be performed in future. A3 directed the complainant to see any person for the marriage of the deceased. Further, on 26.2.2009, A3 again came, quarrelled and threatened the deceased to stop the talks with her son. Since then, the deceased changed her mind set and she did not take the meals, and she had no talks with her parents and she herself has decided to commit suicide at the instigation and abetment of A3. A1, A2, A4 and A5 threatened the deceased with dire consequences that if her marriage took place with A1 they would kill her by pouring kerosene on her at their house after the marriage, and that their intention is only to kill her. Due to such harassment, on 27.2.2009 at night hours around 8 p.m., she attempted to commit suicide by setting herself ablaze from kerosene stove and she received bodily burns and injuries. Immediately, the complainant shifted her to the hospital and as per the advice of the doctor, the deceased was taken to Hyderabad on 28.2.2009 and was joined in the Hospital for treatment. Finally, on 3.3.2009 at about 7.50 p.m., she succumbed to burns.

5. The Station House Officer, Narayanpet received CD file in Crime No.173 of 2009 under Section 174 Cr.P.C. and re-registered a case in Crime No.37 of 2009 under Section 174 Cr.P.C. and took up the investigation. A final report was submitted to the Executive Second Class Magistrate,

Narayanpet to close the said case. It is the case of the complainant that during the course of investigation, the accused admitted their guilt, harassment, threats and abetment before the investigating officer. However, the accused concocted a story and created fabricated documents with political influence, and in terms thereof, the Sub-Inspector of Police, Narayanpet submitted a final report on 18.2.2010 referring the case as “false” and stating that it is an accident. The said final report is the basis for filing the protest petition by the 2nd respondent.

6. The facts and allegations made in the complaint goes to show that after engagement function, the accused instigated the deceased, threatened her not to marry A1. They also threatened her that if she marries A1, they will kill her, due to such harassment of the accused, the deceased committed suicide. In the protest petition, it was stated that during the course of investigation, the accused admitted their guilt. There is prima facie material to proceed against the petitioners. The factual aspects stated in the complaint can be adjudicated after fullfledged trial. There is nothing to suggest that continuation of the proceedings against the petitioners would amount to abuse of process of Courts and miscarriage of justice. Therefore, this Court is not inclined to quash the proceedings in the above PRC.

7. Accordingly, the Criminal Petition is dismissed while vacating the interim stay granted on 29.8.2011 in Crl.P.M.P.No.8220 of 2011. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N. BALAYOGI

Date: 27th October, 2017
Nn

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