

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11915 of 2010

ORDER:

Heard learned counsel for the petitioner/ A.1 of P.R.C.No.41 of 2009 on the file of the VI Metropolitan Magistrate, Medchal, Ranga Reddy District, for the offence punishable under Section 306 I.P.C., which is an outcome of Crime No.43 of 2009 dated 14.02.2009 of Dundigal Police Station, Cyberabad District and also heard learned Public Prosecutor representing the State. There is no appearance for the 1st respondent. Perused the grounds urged in the quash petition and the police final report and the so called suicide note from which the crime is registered.

It is the contention of the learned counsel for the petitioner that there are no grounds to attract the offence under Section 306 r/ w 107 I.P.C. for no abatement, much less, of A1 to drive the deceased to commit suicide and the continuation of prosecution is nothing but abuse of process and cognizance order of the learned Magistrate by allotting P.R.C. is liable to be quashed.

When the police final report and the so called suicide note that is registered as F.I.R. and the grounds, however,

there is no Part-II Case Diary material filed to know what is the result from which police final report of prima facie accusation filed, that was taken cognizance by the learned Magistrate. Thereby, it is premature in the absence of that material to come to any conclusion for this Court to quash the proceedings.

Having regard to the above, without prejudice to any other defence of the accused to urge before the Court of Sessions on committal by filing of such application under Section 227 Cr.P.C. the petition can be disposed of.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.



JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.08.2017
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