

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2127 OF 2017

ORDER:

Requesting to quash the First Information Report in Crime No.14 of 2017 of Bhainsa Police Station, Nirmal District, the present Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code').

2. The petitioners herein are arraigned as accused Nos. 1 and 2 respectively, in the aforesaid Crime. They alleged to have committed the offences punishable under Sections 498-A and 306 of IPC read with Section 34 of IPC.

3. Heard Sri A. Jagan, the learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner would submit that the contents of the complaint lodged by the 2nd respondent/*de facto* complainant, who is the brother of the deceased - Takur Asha Bhai, and incidentally Brother-in-law of the 1st petitioner does not make out commission of cognizable offences by the petitioners and the allegations mentioned therein are not sufficient to constitute the commission of cognizable offences. It is his submission that when the deceased alleged to have poured kerosene and set fire to herself, none of the petitioners were at home. It is also his submission that the

de facto complainant has not specified any overt-acts in the direction of constituting acts of cruelty, driving the deceased to commit suicide, and therefore, further investigation would amount to abuse of process of law. Hence, to quash the First Information Report.

5. The learned Additional Public Prosecutor for the State of Telangana resists the request. According to him, the allegations in the complaint are sufficient enough to make out a *prima facie* case as to commission of the offences alleged against the petitioners and the crime is under investigation. Therefore, he sought to reject the request of the petitioners.

6. A perusal of the complaint averments would even at this stage indicate, the deceased was being beaten by the petitioners in connection with payment of school fee to the daughter of the deceased and the 1st petitioner, and thereafter also both the petitioners alleged to have harassed her both physically and mentally. The very act of the deceased in taking extreme step of pouring kerosene and setting fire to herself is sufficient at this stage to arrive at that the allegations would make out a *prima facie* case of commission of cognizable offences by the petitioners. The truth or otherwise has to be unraveled. Unless investigation is completed, the truth in the allegations mentioned in the complaint cannot be unraveled. There is no merit in the present petition.

7. Hence, the Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date:05.06.2017.
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