

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.3758 of 2011

ORDER:

1. This petition is filed by the petitioners under Section 482 Cr.P.C. seeking to quash the proceedings in S.C.No.553 of 2010 on the file of the VII Assistant Sessions Judge-cum-VII Senior Civil Judge, Rangareddy District at L.B. Nagar.

2. The contention of the petitioners is that the contents in the suicide note and FIR do not constitute any offence under Section 306 IPC, and there are no specific overt acts against the petitioners as to how they abetted or instigated the deceased to commit suicide, and that the statements of the witnesses recorded under Section 161 Cr.P.C., do not made out the ingredients of the offence under Sections 306 r/w 107 IPC.

3. On the other hand, the learned Public Prosecutor contended that because of the petitioners, the deceased committed suicide, which shows a prima facie case against the petitioners.

4. A perusal of the record goes to suggest that on 1.6.2010 at 16.30 hours, Smt. Laveti Mutyalamma lodged a complaint alleging that on 1.6.2010 at about 9 a.m., the complainant went to work and at about 11.30 a.m., her sister's son came to her work place and informed that the deceased-Meena Kumari hanged in the residence and died. Immediately she went to the residence of the deceased and found that the deceased hanged with a chunni to the ceiling fan and died. She found one suicide note written by the deceased stating that the petitioners blamed her character due to which she committed suicide.

5. In the case relied upon by the learned Counsel for the petitioners viz., in **Madan Mohan Singh Vs. State of Gujarat**<sup>1</sup>, it was held that they have gone through the suicide note though it is not yet on record. Coming to the FIR as well as the suicide note, dated 4.2.2008, wherein he had complained about the stale incidents dated 15.10.2007 to 19.10.2007, it seems that it is 17 days after that, that he was found dead on 23.2.2008. In matters relating to abetment, there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide. In spite of best efforts and microscopic examination of the suicide note and the FIR, it is found that the suicide note is a rhetoric document in the nature of a departmental complaint.

6. In the case on hand, in the suicide note shown by the learned Public Prosecutor, through which I have gone, shows that the petitioners blamed the character of the deceased abetting her to commit suicide. The investigation officer after thorough investigation filed the charge sheet for the offence under Section 306 IPC. Further, the petitioners harassed the deceased, who was aged about 14 years and a student of 9<sup>th</sup> class, blaming her character and abetting her to commit suicide. The intention and other things are the subject matters to be decided after fullfledged trial. Prima facie, there is substantial material to proceed against the petitioners for the offence under Section 306 IPC. I find no reasons to quash the proceedings against the petitioners and hence, this petition is liable to be dismissed.

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<sup>1</sup> LAWS (SC)-2010-8-98

7. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed and the interim stay granted on 30.4.2011 in Crl.M.P.No.4001 of 2011 is vacated. The trial Court is directed to dispose of the above Sessions Case without being influenced by this order.

JUSTICE N. BALAYOGI

Date: 12<sup>th</sup> October, 2017  
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Date: 12<sup>th</sup> October, 2017

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