

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5058 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in PRC.No.27 of 2011 on the file of Judicial Magistrate of First Class at Asifabad.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The counsel for the petitioners contends that the allegations made in the complaint do not attract the offence under Section 306 IPC.

4. A perusal of the complaint shows that the petitioners herein have been threatening the deceased, that they would propagate about the alleged illicit relationship of the deceased with one Pitla Laxmi/A1 and that they have been demanding money from him and that the deceased also expressed that he had threats from the petitioners herein, that they would kill him.

5. The contention of the petitioners' counsel that the complaint is only based on hear say evidence cannot be held as merited, as the proximity between the information given by the deceased and his suicide is a factor, which would decide whether it would amount to hear say evidence or not. Hence, unless the case is taken up for trial, the allegations made in the complaint cannot be appreciated properly.

6. The reliance placed by the petitioners' counsel on the judgment of the Supreme Court in *Sanju @ Sanjay Singh Sengar vs. State of M.P.*¹ does not help him as in the case dealt with by the Apex Court there was a delay of two days between the utterances of the accused and the suicide committed by the deceased. It is not the case herein. The complaint herein shows otherwise, that there has been continuous harassment by the petitioners herein.

Hence, in the light of the above discussion, the Criminal Petition is dismissed. Interim stay granted by this court on 27.06.2011 in CrI.P.M.P.No.5118 of 2011 shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 27, 2017
LMV

T. RAJANI, J

¹ AIR 2002 SC 1998