

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AND ANDHRA PRADESH AT HYDERABAD

**THURSDAY THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN**

PRESENT

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 6021 OF 2011

Between:

K. Madhava Naidu & Anr. ... Petitioners/A-1 & A-2

V/s.

K. Chendramma & Anr. ... Respondents/Respondents

Counsel for Petitioners : Sri Challa Srinivasa Reddy

Counsel for Respondent : Public Prosecutor [AP]

The court made the following : [order follows]

HONOURABLE SRI JUSTICE P. KESHAVA RAOCRIMINAL PETITION NO. 6021 OF 2011ORDER:

Heard the counsel for the petitioners as well as counsel for respondent No.1 and the learned Public Prosecutor for respondent No.2.

2. The present Criminal Petition is filed by the petitioners/A-1 and A-2 to quash the proceedings initiated against them in Crime No.21 of 2011 for the offence punishable under section 306 of IPC on the file of Penumur Police Station, Chittoor district.

3. The brief facts of the case are that on 10/03/2011 at about 03:30 p.m., the first respondent herein lodged a complaint before the Station House Officer, Penumur Police Station stating that for the last one year there are disputes between her husband and his brothers relating to landed properties and in that connection there are exchange of notices between them. In that connection, her husband was beaten up by his brother by abusing go and die. She also stated in the complaint that on 10/03/2011 at about 05:00 a.m., when her husband left the house in connection with agricultural operations, the first respondent

and her children were sleeping in the house. After some time, as there was some noise in front of the house, she got up and verified, she has seen that her husband's brother and one of the sisters-in-law were beating her husband with hands by saying " CHAV RA NA KOD KA, NEE VU CHAVA KUNTAY MAY MAY CHAMPISTAM AANI GATTI GA ARCHU CHU CHAYTULA TOW KOTTU CHUNNARU ". As the grill was locked from outside, she went inside and brought a knife and removed the lock and came out. When she enquired, her husband was lying unconscious in the cattle shed. Immediately 108 Ambulance vehicle has been called but by the time the said vehicle came, her husband already died. Therefore, 108 Ambulance vehicle went away. In those circumstances, she lodged a complaint stating that because of the harassment meted out by her husband's brother and sister-in-law and as they have instigated him to die, he consumed pesticide and died. Therefore, she requested to take action against the brother of the deceased and sister-in-law.

4. Pursuant to the said complaint, a crime was registered vide FIR.No. 21 of 2011 for the offence punishable under section 306 of IPC

of Penumur Police Station. Aggrieved by the registration of the said crime, the present Criminal Petition is filed against the petitioners.

5. The counsel for the petitioners would contend that no prima facie case is made out against the petitioners for the offence punishable under Section 306 of IPC. To attract the offence punishable under Section 306 of I.P.C., the ingredients of Section 107 of IPC have to be satisfied. By reading Section 107 of IPC the counsel would contend that there is no instigation and there was no intention for commission of the said incident by the petitioners.

6. Per contra, the counsel for the first respondent would contend that the above crime is at the investigation stage. At this stage, the proceedings cannot be quashed, as there is no time-gap between the incident happened and the suicide. Therefore, he sought to dismiss the Criminal Petition.

7. A perusal of the contents in the complaint would clearly establish that there are disputes between the deceased and his brothers relating to the landed properties. In connection with the same, it

appears that the deceased was beaten up on earlier occasion also. Even on the particular day i.e., 10/03/2011 at about 05:00 a.m., the said incident once again repeated i.e., the deceased was beaten up by his brothers and one of the sisters-in-law with hands and abused him to die. So the cause for consuming pesticide poison by the deceased, cannot be ascertained at this stage when the crime is at the investigation stage. This Court under section 482 Cr.P.C., cannot go into the details as to what prompted the deceased to consume pesticide poison. Therefore, this Court feels that it is not a fit case to quash the proceedings initiated against the petitioners when the investigation is pending.

8. Accordingly, the Criminal Petition is dismissed. However, it is made clear that during the course of investigation, if the presence of the petitioners is required by the Investigating Agency, the procedure contemplated under Section 41-A of Cr.P.C., may be followed in accordance with law.

9. Interim order, if any, passed by this Court shall stand vacated.

9. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stands closed.

JUSTICE P. KESHA RAO.



21/12/2017
I s L

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 6021 OF 2011
[DISMISSED]



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