

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION NO.6575 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code to quash the orders passed in CrI.M.P.No.25 of 2010 in C.C.No.100 of 2005, dated 03-06-2011 on the file of I-Additional Junior Civil Judge, Tanuku.

2. The petitioners 1 to 4 are accused in C.C.No.100 of 2005 on the file of the I-Additional Junior Civil Judge Tanuku. The Complainant Smt.M.Dhanalakshmi filed CrI.M.P.No.25 of 2010 in C.C.No.100 of 2005 to add Section 306 of Indian Penal Code as the ingredients of offence is attracting abetment of suicide. A1 is brother of the deceased, A4 is wife of A1, A2 and A3 are sons of A1 and A4 and they are related to each other. The complainant was examined herself as Pw.1, alleging that there was an altercation between herself and her husband on 4-9-2004. A1 to A4 intervened in the altercation between Pw1 and her husband Ramakrishna and in the course of settling disputes, again late Ramakrsihna and A1 to A4 abused each other and deceased Ramakrishna left the house at 9.00 PM., on his Moped and returned at 9.30 P.M., and again he left home and on the next day at about 6.00 AM., the complainant came to know about the death of her husband on a bund near to Venkayya Kaluva in the village. The complainant out of suspicion filed a complaint against A1 to A4 and case has been registered.

3. Heard both sides.

4. It is the case of mere suspicion and there is no evidence placed before this Court to show that A1 to A4 are responsible for the death of the deceased and they instigated the deceased Ramakrishna-husband of the complainant to end his life. The complainant has been examined in-chief by the I-Additional Junior Civil Judge, Tanuku in C.C.No.100 of 2005 on 14-10-2009. Ex.P1 is the copy of complaint submitted to the police on 5-9-2004 at 2.00 PM. There is a discrepancy in the statement of complainant in Ex.P1 and chief examination of Pw.1 and the allegations are not proved beyond reasonable doubt against the accused for attracting Section 306 read with Section 34 of Indian Penal Code. Basing on mere baseless suspicion, the accused persons cannot be put to hardship.

5. For the reasons stated above, the Criminal Petition is allowed, setting aside the order dated 03-06-2011 in CrI.M.P.No.25 of 2010 in C.C.No.100 of 2005 on the file of the I-Additional Junior Civil Judge, Tanuku. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 06-10-2017
Shr