

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.6946 of 2017****ORDER:**

This Criminal Petition under Section 482 Cr.P.C. is filed to quash the Proceedings in Crime No.24 of 2017 on the file of Police Station, Narva, Mahabubnagar District, registered for the offences punishable under Sections 498-A and 306 r/w 34 IPC, based on the report lodged by Gandham Balaiah, alleging that on 11.02.2007 his parents performed his sister's marriage with A.1 and due to unbearable harassment in the hands of all the accused, she filed a complaint in C.C.No.155 of 2011 against the accused and the same was compromised in Lok Adalat. Just prior to the death of her sister, a quarrel was ensued between the *de facto* complainant and A.1 with regard to attending the death ceremony of their relatives and due to which, she went into her house and bolted the doors from inside and committed suicide by hanging to a ceiling fan.

The present petition is filed on the ground that the petitioners are residing at far places and in the earlier complaint in C.C.No.155 of 2011 pending on the file of Judicial Magistrate of First Class, Wanaparthy, for the offences under Sections 498(A), 323, 506 IPC and Section 3 and 4 of D.P.Act, the petitioners were deleted from the array of the accused as they are residing at a distant place, but now taking advantage of the death of the sister of *de facto complainant*, a crime was registered making them responsible for the offences punishable under Sections 498-A and 306 r/w 34 IPC.

As seen from the allegations made in the complaint and the investigation so far done, this Court find, *prima facie*, that the petitioners also instigated the deceased to commit suicide, but the

statements whatever collected from the witnesses by the police are not placed on record and the investigation is not yet completed.

Since the investigation is at initial stage and the facts are incomplete and hazy before the Court irrespective of magnitude of the case, this Court cannot quash the proceedings, in view of the law declared by the Apex Court in *State of Orissa v. Saroj Kumar Sahoo*¹ and *Kurukshetra University v. State of Haryana*².

Therefore, by applying the principles laid down in the above Judgement and taking into consideration the specific allegations made in the report lodged with the police, it is difficult to quash the proceedings at this stage and hence, the petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 05.12.2017
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¹ (2005) 13 SCC 540

² AIR 1977 SC 2229

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



CrI.P. No.6946 of 2017

Dt. 05.12.2017

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