

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No. 11204 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in Crime No.115 of 2011 of Bhainsa Town Police Station, Adilabad District.

2. Heard the counsel for the petitioners and the Public Prosecutor, who took notice for the 1st respondent. The 2nd respondent has not appeared in spite of service of notice.

3. The counsel for the petitioners contends that the allegations made against the accused do not in any way constitute an offence under Section 306 of the Indian Penal Code and there is no nexus between the allegations and the suicide committed by the deceased in this case.

4. A perusal of the complaint shows that A1 filed a complaint against the deceased under Section 498A IPC. Learned counsel does not raise a dispute in that regard and submits that in spite of that, the disputes are continuing. A1 is said to have taken away the certificates of the deceased and there was a complaint lodged by the complainant in this case with regard to the certificates taken away by the A1/first petitioner herein and a date was fixed for conciliation before the elders and, as such, conciliation took place in the presence of the elders. At that time, the petitioners herein attacked the deceased and threatened him

to leave his job; otherwise they would see his end and out of depression and agony caused in the said incident the deceased committed suicide.

5. The strength of the threats made by the petitioners herein have to be gone into to see whether those threats have any nexus to the suicide committed by the deceased. It is a matter that has to be decided after taking evidence during trial. Hence, at this stage, the quashing of the proceeding is considered as not proper. However, the request of the petitioners' counsel that the police may be directed not to arrest the petitioners can be considered and police are directed not to arrest the petitioners unless it is necessary for the investigation.

With the above observations, the criminal petition is disposed of. Interim stay granted earlier, if any, shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T. RAJANI, J

November 6, 2017
LMV