

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6733 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners-A.1 and A.2 seeking to quash the proceedings in S.C. No.44 of 2016 on the file of the Assistant Sessions Judge-cum-VII Senior Civil Judge, L.B. Nagar, Ranga Reddy district, which was taken cognizance for the offence punishable under Section 306 IPC.

2. Heard the learned counsel for the petitioners, the learned Assistant Public Prosecutor appearing for respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that there are no allegations against the petitioners-A.1 and A.2 attracting the offence alleged against them, and that the allegations do not constitute any of the offences alleged against them, and hence, continuation of the impugned proceedings against them is nothing but abuse of process of Court, and ultimately, prayed to quash the impugned proceedings against them.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of relief sought by the petitioners contending that the allegations would make out a *prima facie* case for the offence alleged against the petitioners.

5. As per the material placed on record, the petitioners-A.1 and A.2 are husband and wife. Petitioner-A.1 developed intimacy with the deceased Smt.Radha @ Anuradha, took her to a temple and married her promising

that he would look after her and her daughter Rakha well. The petitioner-A.1 is aware of the first marriage of the deceased. Having full knowledge of the back ground of the deceased, the petitioner-A.1 married her in temple. After the marriage, petitioner-A.1 and his wife, who is petitioner-A.2, started ill-treating and harassing the deceased and caused mental and physical cruelty to her treating her as a servant. Suddenly on 11.09.2014, petitioners-A.1 and A.2 vacated their house in the absence of the deceased. Thereafter, the deceased came to know about the same and tried to contact the petitioner-A.1 on mobile. But, his mobile was found switched off. Then, the deceased went to the house of the petitioners herein. At that time, the petitioner-A.1 was not available in the house. The petitioner-A.2 abused her in filthy language, insulted her by using vulgar language and humiliated her. As a result, the deceased fell in depression, consumed pesticides and committed suicide.

6. There are specific allegations against both the petitioners-A.1 and A.2 *prima facie* attracting the offence alleged against them. Truth or otherwise of the allegations is required to be established after due trial. So, continuation of the impugned proceedings is not abuse of process of law. The Criminal Petition is devoid of merits and is liable to be dismissed.

7. The Criminal Petition is, accordingly, dismissed.

Miscellaneous Petitions pending, if any, in the Criminal Petition shall stand closed.

DR.SHAMEEM AKTHER, J

19.02.2018
DRK

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6733 OF 2017



19.2.2018

DRK