

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.5347 OF 2012

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A1 and A2, in Crime No.84 of 2011 on the file of the Srirampur Police Station, Adilabad District. The offences alleged are under Sections 299, 498A and 506 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The complaint is filed by the brother of the deceased, who is the wife of the 1st petitioner and daughter-in-law of the 2nd petitioner alleging that the death of the deceased is due to the harassment metted out by the petitioners. There are specific allegations made against both the petitioners. Hence, in the light of the said allegations, the contention of the petitioners' counsel that the deceased was suffering from ill-health and that she died due to the said reason, cannot be accepted for quashing the proceedings, as the said aspect requires a detailed trial. Hence, unless the medical record on which the petitioners rely is subjected to cross-examination, the truth of the matter cannot be understood.

4. Considering the above, this court opines that this is not a fit case for quashing the proceedings against the petitioners.

5. With the above observations, the Criminal Petition is dismissed. However, considering the request of the petitioners' counsel, the police are directed to follow the guidelines enunciated by the Supreme Court in the case of *Arnesh Kumar v. State of Bihar and another* (Crl.Appeal No.1277 of 2014)¹ before effecting the arrest of the petitioners in accordance with the procedure prescribed under Section 41A Cr.P.C. Interim stay granted by this court on 13.06.2013 in CRLP MP No.5236 of 2012 shall stand vacated.

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

October 23, 2018
LMV



JUSTICE T. RAJANI

¹ (2014) 8 SCC 273