

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.6505 of 2011

ORDER:

This petition under Section 482 of Cr.P.C. is filed by accused Nos.1 to 12 seeking to quash the proceedings in P.R.C.No.1 of 2011 on the file of Junior Civil Judge, Piduguralla, Guntur District.

2. Kadiyala Anjaneyulu (hereinafter referred to as 'deceased') is the husband of A.1-petitioner No.1 herein. Petitioner No.9 is the mother, petitioner No.11 is the sister and other petitioners herein are paternal uncles & aunts of A.1. The complainant-second respondent herein is the mother of the deceased. The contention of the petitioners-accused is that the deceased addicted to bad vices such as consuming alcohol on the pretext that he had no male children. He used to harass A.1 and was demanding additional dowry. While so, on 26.12.2009 the deceased tried to pore acid on A.1 while she was working in the fields of her paternal uncle-A.4 for which, A.1 was constrained to lodge a complaint before the police. The police called the deceased, warned him and he assured the police that he will not harass A.1 in future. Since the deceased continued to harass, A.1 gave another complaint to the police and in the mediation conducted by the police, the deceased agreed to change his nature and to lead the marital life. Unable to digest the pressure, the deceased committed suicide in their house on 25.09.2010 by consuming pesticides. Though the petitioners herein are no way responsible for the death of the deceased, the present false complaint is filed by the mother of deceased only to harass A.1 and her family members and that the allegations in the

complaint does not make out a case to attract an offence punishable under Section 306 IPC.

3. It is further contended that the present complaint is sheer abuse of process of law and the petitioners are put to unbearable suffering and agony for being implicated all the family members falsely even though they have not committed any offence.

4. On the other hand, the learned Public Prosecutor contended that specific overt acts are attributed to the petitioners in the complaint and that there are no grounds to interfere with the impugned proceedings.

5. Heard the learned counsel for the petitioners, and learned Public Prosecutor for first respondent and learned counsel for second respondent. Perused the material available on record.

6. Now the point that arises for consideration in this petition is whether there is any *prima facie* material to prosecute the petitioners for the alleged offence?

7. The learned counsel for the petitioners-accused contended that the petitioners are falsely implicated because of the earlier complaints given by A.1 against the deceased and that in fact, at the instigation of complainant, who is the mother of the deceased, the deceased used to harass his wife-A.1. The marriage of the deceased with A.1-petitioner No.1 herein is a love marriage and they were blessed with two female children. As per the allegations in the complaint, since one year prior to the suicide of the deceased, A.1 began misbehaving, teasing, insulting and humiliating the deceased and as such, both of them frequently quarrelled with each other. A.1 took away cash of Rs.30,000/- from the house of the deceased

without informing to anybody and went to her parental house in the same village by leaving her two children at her in-laws house. The deceased raised a mediation on 02.06.2010 about taking away of cash by A.1 and in that mediation, there was a quarrel between both the groups, in respect of which, a case and counter-case were registered in Crime Nos.93 and 94 of 2010. Since then, there was rivalry between the family members of A.1 and the deceased.

8. It is further alleged in the charge sheet that on 24.09.2010 at about 9.30 a.m., all the accused i.e. A.1 to A.12 came upon the house of the deceased, picked up a quarrel and abused him in filthy language. Further A.1 teased and humiliated the deceased saying as 'you are a male and having potency'. On that, the deceased felt insult and vexed with his life due to the words used by A.1 and other accused and decided to commit suicide. While so, on the intervening night of 25/26.09.2010, the deceased went to the top of his terrace at China Agraharam village and consumed an insecticide poison by writing two suicide letters addressed to the District Collector and Superintendent of Police, Guntur and raised cries. On hearing his cries, the complainant and others rushed to him, shifted to Dr.Anji Reddy Hospital, Piduguralla, where he was declared brought dead.

9. In the letter addressed to the District Collector and Superintendent of Police, Guntur, the deceased alleged that injustice was done to him in the police station; his in-laws lodged five complaints against him and harassed him. On the night of 24/25.10.2010 in between 1.15 to 1.30 a.m., some persons attacked him with axes and sticks with an intention to kill him. When he approached the police to give a complaint, police did not

receive the report saying 'you are accused'. Instead of being murdered in the hands of his in-laws, he is committing suicide himself. Though his children expressed their intention to stay with him, police forcibly sent them with their mother-A.1.

10. A reading of the above letter written by the deceased and the allegations in the charge sheet goes to suggest that his wife who is A.1-petitioner No.1 herein harassed, insulted and humiliated him. But no specific overt acts are attributed to the other accused-petitioners 2 to 12 herein. In view of the above discussion, I find that there is prima facie material to prosecute A.1-petitioner No.1 herein and in the absence of specific overt acts attributed to other accused-petitioners 2 to 12, I am of the considered view that no ingredients are made out against them to continue the impugned proceedings.

11. In the result, the Criminal Petition is dismissed so far as A.1-petitioner No.1 is concerned. So far as A.2 to A.12-petitioners 2 to 12 are concerned, the Criminal Petition is allowed and the impugned proceedings in P.R.C.No.1 of 2011 pending on the file of Junior Civil Judge, Piduguralla, Guntur District are quashed as against them.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE N.BALAYOGI

06th February 2018
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