

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

**CRIMINAL PETITION No.9495 of 2017**

**ORDER:**

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A.4 and A.6 seeking to quash the proceedings against them in Crime No.134 of 2017 of II Town Police Station, Srikakulam, Srikakulam District, registered for the offence under Section 306 I.P.C. r/w Section 34 I.P.C.

2. Heard the learned counsel for the petitioners-A.4 and A.6, learned Assistant Public Prosecutor and perused the material on record.

3. Learned counsel for the petitioners-A.4 and A.6 would submit that there is no allegation in the suicidal note said to have been written by the deceased in this case against the petitioners-A.4 and A.6; in the first information report also, there is no mention of the names of these petitioners; the petitioners are distant relatives of the deceased and they are residing in Visakhapatnam which is far away from the place of occurrence; the petitioners are not responsible for the death of Chigilipalli Ramesh; and ultimately, prayed to quash the proceedings against the petitioners-A.4 and A.6 in this crime.

4. On the other hand, learned Assistant Public Prosecutor opposed the grant of relief sought by the petitioners-A.4 and A.6 contending that there are specific allegations against the petitioners-A.4 and A.6 constituting the offence under Section 306 I.P.C., the same has been cropped up in the statements of the witnesses recorded in the course of investigation. Learned Assistant Public Prosecutor further submits that A.4 to A.7 filed anticipatory bail application before the Court of Sessions at Srikakulam District, but the same was dismissed.

5. Learned counsel for respondent No.2-*de facto* complainant would submit that the allegations made by the prosecution do constitute the offence under Section 306 I.P.C. against the petitioners-A.4 and A.6.

6. As per the record placed before this Court, the petitioners-A.4 and A.6 are the distant relatives of wife of the deceased. According to learned Assistant Public Prosecutor, the names of the petitioners-A.4 and A.6 were referred in the first information report as relatives of the deceased and they are responsible for commission of the suicide in this case. The marriage between the deceased and A.1 is a love marriage, her parents are made as A.2 and A.3. In the course of investigation, some allegations have come to light against the petitioners-A.4 and A.6. It is not in dispute that these petitioners-A.4 and A.6 are working at Visakhapatnam, which is far away from the place of commission of offence. Moreover, these petitioners are distant relatives of the deceased. In view of the above circumstances, it is not appropriate to quash the proceedings against these petitioners. However, a direction can be given to the Station House Officer concerned refraining him from arresting these petitioners-A.4 and A.6 in this case.

7. In the result, the Station House Officer, II Town Police Station, Srikakulam, Srikakulam District, is directed not to arrest the petitioners-A.4 and A.6 and proceed with the investigation and, on completion of investigation, he is at liberty to file a final report or charge sheet, as the case may be, against the petitioners-A.4 and A.6 in accordance with law.

8. With the above directions, this Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this case, shall stand closed.

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**Dr. SHAMEEM AKTHER, J**