

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.13271 of 2011

ORDER:

This petition is filed, seeking for quash of the proceedings against the petitioners, who are A1 and A2, in S.C.No.439 of 2011 on the file of VIII Additional Metropolitan Sessions Judge, Ranga Reddy. The offences alleged against the petitioners are under Section 306 IPC.

2. Heard the counsel for the petitioners and the Public Prosecutor, appearing for the 1st respondent as well as the counsel appearing for the 2nd respondent.

3. The counsel for the petitioners submits that even as per the allegations made in the complaint, it is only A1, who has offered money to purchase poison, to the complainant's cousin.

4. It appears that the dispute relates to laying of a road in the land of the deceased. Naturally, the deceased was not willing for the same. But the accused harassed the deceased to come along with them to lay the road and the deceased expressed that if the road is laid, he would commit suicide. A1 offered to purchase poison to the deceased to commit suicide. However, there are absolutely no allegations, which would constitute abetment, as defined under Section 107 IPC, against A2.

5. But considering the nature of the allegations against A1, this Court opines that the truth of the allegations made against

A1 and whether they would attract the offence under Section 306 IPC, can be determined only after trial.

6. Accordingly, the Criminal petition is dismissed insofar as A1 and is allowed insofar as A2 is concerned and the proceedings against him in S.C.No.439 of 2011 on the file of VIII Additional Metropolitan Sessions Judge, Ranga Reddy, are hereby quashed. It is needless to say that the lower court shall decide the matter uninfluenced by the observations made by this court in this petition. Interim stay granted by this court, dated 20.12.2011, in CrI.P.M.P.No.15116 of 2011 in this petition insofar as A1 is concerned, shall stand vacated.

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

August 21, 2018
LMV

T. RAJANI, J

