

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 5726 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in crime No. 10 of 2018 of Mallapur Police Station, Jagtial District, registered for the offences punishable under Sections 306 and 201 read with Section 34 of IPC.

2. Petitioner Nos. 1 to 3 are daughter-in-law, son and husband of the deceased Ippa Narsavva respectively. Respondent No. 2 lodged a report with police alleging that on 10-01-2018 at about 9 a.m., petitioner No. 1 picked up a quarrel with the deceased and abused her in filthy language; that due to unbearable insult, at about 12 noon, the deceased committed suicide with nylon rope; that in search of the deceased, petitioner Nos. 2 and 3 at about 4 p.m. reached their land and found the deceased by hanging herself and that without intimation to police, the petitioners and their relatives brought the dead body to their residence and cremated.

3. The main contention of learned counsel for the petitioners is that the petitioners have nothing to do with the above offences and that the allegations made in the report would not constitute any offence much less the above offences and therefore requested this Court to quash the proceedings against the petitioners.

4. During hearing, learned counsel for the petitioners would contend that the allegations made against petitioner Nos. 2 and 3 would not attract the offence punishable under Section 306 of IPC and therefore requested this Court to issue a direction to the police concerned to follow the procedure under Section 41-A of

Cr.P.C. and the guidelines issued by the Apex Court in ***Arnesh Kumar Vs. State of Bihar and another***¹.

5. The power under Section 482 of Cr.P.C. can be exercised sparingly in exceptional circumstances where Court finds that the allegations made in the report would not constitute any offence on its face value or the report is lodged with a view to wreak vengeance against petitioners. In the present case, the allegations made against petitioner No. 1 would *prima facie* constitute the offence punishable under Section 306 of IPC and the allegations made against petitioner Nos. 2 and 3 would *prima facie* constitute the offence punishable under Section 201 of IPC. Hence, I find no ground to quash the proceedings against the petitioners. However, as the allegation made against petitioner Nos. 2 and 3 would attract the offence punishable under Section 201 of IPC only, the police concerned are directed to follow the procedure under Section 41-A of Cr.P.C. and the guidelines issued by the Apex Court in ***Arnesh Kumar*** (*supra*) since the same is not punishable with imprisonment for more than seven years.

6. With the above direction, the criminal petition is dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 11-06-2018.

JSK

M.SATYANARAYANA MURTHY, J.

¹ 2014 (2) ALT (CrI.) 457 (SC)