

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.7054 of 2018

ORDER:

The petitioner/accused No.2 seeks to quash the proceedings against him in Crime No.108 of 2018 of Tirumalayapalem Police Station, Khammam District for the offence under sections 498-A, 306 r/w 34 IPC. Accused No.1 is the husband of the deceased, accused Nos.2 and 3 are his parents and the mother of the deceased is the *de facto* complainant.

Brief facts of the complainant are that the deceased Ratna Kumari was given in marriage to accused No.1 in 2006 by giving dowry of Rs.3,75,000/- and other ornaments. Accused no.1 was addicted to alcohol and he used to harass deceased mentally and physically in an intoxicated condition every day. Petitioner/accused No.2 and accused No.3 were also insulting and humiliating deceased by instigating accused No.1. Unable to bear their harassment, on 30.10.2012, the deceased went to her parental home. On the intervention of the elders, the complainant sent her daughter to the house of the accused. Thereafter, again the deceased telephoned to complainant and informed that her husband and in-laws were mentally and physically harassing her. On 31.5.2018, accused No.1 took away her mangalsutram and pledged the same for money and consumed liquor. When the deceased questioned him, he beat her severely and he went to his father's house. On that evening, at about 4' o clock, accused Nos.1 and 2 beat the deceased indiscriminately and abused her to die. When the son of the deceased intervened, they beat him also. On the same day at about 9.00 pm, again accused No.1 in a drunken state beat the deceased. Unable to bear their

torture, the deceased consumed pesticide at about 9.20 pm. and she was admitted in the hospital at Khammam. Knowing about this incident, the complainant and others went to Sujata Hospital where the deceased was shifted. In the hospital, the deceased informed the complainant that because of the harassment of her husband and in-laws, she consumed pesticide. When the complainant questioned the attitude of the accused, they replied that they would look after her well and no need to worry. Ultimately, the deceased succumbed to death on 5.6.2018 at about 10.00 pm while undergoing treatment. The complaint is under investigation.

A perusal of the F.I.R. and 161 Cr.P.C. statements of accused and others reveal a strong *prima facie* case against the petitioner/accused No.2 and other accused. Though it is argued that there were no specific allegations against the petitioner/accused No.2, however, FIR and 161 Cr.P.C. statement of the complainant would reveal as if on several occasions including on 31.5.2018, accused No.1 and petitioner/accused No.2 beat the deceased indiscriminately and unable to bear their torture, the deceased consumed pesticide. The matter requires thorough investigation regarding the version of the prosecution. In view of *prima facie* case being established from record and as investigation is still pending, it is not a fit case to quash the proceedings.

Accordingly, the Criminal Petition is dismissed.

As a sequel there to, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 09/07/2018

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