

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.6903 OF 2011

ORDER:

The criminal petition is filed for quash of the proceedings in S.C.No.804 of 2007 on the file of the Assistant Sessions Judge, Peddapalli, Karimnagar District. The offence alleged against the petitioners is under Section 306 IPC.

Heard learned counsel for the petitioners and the learned Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent, despite service of notice.

The complaint shows that it is filed by the husband of the deceased. The deceased is the elder wife of the complainant. It is alleged that the accused entered the house of the complainant and tried to outrage the modesty of the deceased and in that regard, report was made to the Police and later the accused started pressuring the complainant to get the matter compromised. The complainant informed the same to the deceased and the deceased committed suicide.

Learned counsel for the petitioners contends that there is no inducement by the accused for the suicide committed by the deceased. In support thereof, he relies on the judgments of a learned single Judge of this Court in **V. Shankaraiah v. State of A.P.**¹ and **S. Rekha Prasad v. State of A.P.**², wherein it is held that there is no

¹ 2002 (1) ALD (CrI.) 812 (AP)

² 2002 (1) ALD (CrI.) 886 (AP)

material to show that the petitioners therein induced the deceased to commit suicide; therefore they would be entitled for quash of the proceedings.

But, in this case, facts are different. The standard of proof in criminal cases needs to be beyond doubt and there can be several doubts which the prosecution leaves in the case, the benefit of which the accused would be entitled to. The nature of inducement and whether the facts proved by the prosecution would amount to inducement would be established only after due trial. Hence, this Court opines that quash of proceedings at this stage is not advised.

During the course of arguments, learned counsel for the petitioners submits that accused No.3, i.e. petitioner No.2 herein has died. Hence, continuance of proceedings against accused No.3, i.e. petitioner No.2 herein does not serve any purpose. Accordingly, the proceedings in the C.C., in question are quashed only insofar as accused No.3 is concerned.

Criminal petition is accordingly disposed of.

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

T. RAJANI, J

August 28, 2018
MRR