

THE HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.2 and 3 of 2019

In/and

CRIMINAL PETITION No.2395 of 2019

ORDER:

The petitioners, who are accused Nos.1 and 2 in S.C.No.62 of 2017 on the file of V Additional Metropolitan Sessions Judge, Hyderabad, filed this Criminal Petition under Section 482 Cr.P.C., to quash the proceedings against them in view of the compromise entered between the petitioners and the complainant, for the offence punishable under Section 306 I.P.C.

2. Heard the learned counsel for the petitioners/accused Nos.1 and 2, learned counsel for the 2nd respondent-complainant, learned Additional Public Prosecutor appearing for the 1st respondent and perused the record.

3. The brief facts of the case are that petitioner No.1/accused No.1 is husband and petitioner No.2/accused No.2 is mother-in-law of the deceased Mamata. The deceased got married the petitioner/accused No.1 about 19 years back. During their lawful wedlock, they were blessed with four children. On 14.09.2016 at about 4:30 PM, L.W.3, Shalini, daughter of the deceased, informed L.W.1, Rupesh Subash Dithor, brother of the deceased, over phone that her mother was hanged herself and shifted to hospital. After 20 minutes, LW.1 call to his niece and enquired about the deceased. It is further stated that so many times, the deceased informed L.W.1 that she is facing problem with the petitioners/accused Nos.1 and 2 as they used to harass her. The deceased also informed to L.Ws.1 and 2 that since last five years,

petitioner No.1/accused No.1 is coming to the house in late hours regularly and he was maintaining illegal contacts with another lady. Even though the deceased took her marital life with her four children by facing such problems, one year prior to the incident, petitioner No.1/accused No.1 purchased a house at his native place for Rs.13,70,000/- and he paid half amount and forced the deceased to pay remaining half amount. On force, L.W.1 paid an amount of Rs.7,00,000/- towards purchase of the house. Thereafter, petitioner No.1/accused No.1 took the house documents from the deceased, which is in her name. It is stated that eight days prior to the incident, the deceased telephoned to L.W.1 and stated that petitioner No.1/accused No.1 threatened her to get Rs.5,00,000/-, otherwise he would see her end. For which, L.W.1 stated that he will come and discuss the said issue, but in between the period, the deceased committed suicide. The deceased was vexed with her life due to the harassment and committed suicide by hanging herself to the ceiling fan in her bedroom and succumbed to injuries. Thus, the acts of the accused persons are punishable under Section 306 read with 34 I.P.C. Thereafter, the case was committed to the Court of sessions, where S.C.No.62 of 2017 on the file of V Additional Metropolitan Sessions Judge, Hyderabad, was assigned and the same is pending.

4. Learned counsel for the petitioners/accused Nos.1 and 2 would submit that there is no allegation in the complaint against the petitioners that they have abetted the deceased to commit suicide; that the statements given by the witnesses differ from all material particulars. Further, no specific overtacts are attributed against the petitioner No.2/accused No.2, except mentioning her

name in the charge sheet; that the petitioners and 2nd respondent have compromised the case at the intervention of elders and hence, he prays to quash the proceedings against the petitioners in S.C.No.62 of 2017 by recording the compromise.

5. During pendency of the Criminal Petition, I.A.Nos.2 and 3 of 2019 came to be filed by the *de facto* complainant to compromise the case and to record compromise in the aforesaid case. Along with the petition, a joint compromise memo came to be filed duly signed by both the parties, *inter alia*, stating therein that the 2nd respondent does not want to continue with the prosecution. He further submitted that the issue might result in further aggravation of the situation being suffered by the children of his sister, who are already in trouble because of death of his sister. The four children are living with their father and grandmother, who are petitioners herein. Therefore, at the intervention of elders and well wishers, the parties have settled their disputes and the 2nd respondent does not want to proceed further with the case. The said joint memo has been supported by the affidavit of the 2nd respondent.

6. Today, both the parties are present before this Court and they have been duly identified by their respective counsel. This Court, when examined, both the parties have stated that at the instance of elders and well wishers, they have settled the matter out of the Court and the second respondent has no objection for quashing the proceedings against the petitioners.

7. As seen from the allegations in the complaint, there are no specific allegations against petitioner No.2/accused No.2, except

the bald and general allegations against her. There is no specific time or date of alleged harassment by petitioner No.2/accused No.2. All the allegations are attributed against petitioner No.1/accused No.1 only.

8. Hence, looking into the nature of allegations levelled against petitioner No.1/accused No.1, this Court is not inclined to record any compromise and to quash the criminal proceedings, which are pending against him. With regard to petitioner No.2/accused No.2, in the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and I.A.Nos.2 and 3 of 2019 are ordered accordingly.

9. Accordingly, the Criminal Petition is partly allowed and the proceedings in S.CNo.62 of 2017 pending on the file of the V Additional Metropolitan Sessions Judge, Hyderabad, are quashed so far as petitioner No.2/accused No.2 is concerned in terms of the compromise. The criminal petition is dismissed so far as petitioner No.1/accused No.1.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE G. SRI DEVI

2nd November, 2019
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HONOURABLE JUSTICE G. SRI DEVI



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Dated: 02.11.2019

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