

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Petition No.4553 of 2019

ORDER:

This petition under Section 482 of Cr.P.C., is filed seeking to quash the proceedings in Cr.No.118 of 2019 on the file of Utnoor Police Station, Adilabad District, registered for the offence under Section 306 read with Section 34 IPC, against the petitioners/A1, A3 and A4.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the 1st respondent-State.

3. It is alleged in the complaint that the sister of the de-facto complainant has committed suicide by consuming pesticide on 09.05.2019 at 5.00 PM due to the pressure made by A1 to marry him and that A1 also threatened her that 'if she will not love him, he will make rumours against her in the society'. It is also alleged that when the de-facto complainant agreed to settle their marriage, the relatives of A1 had demanded an amount of Rs.2,00,000/- and a motorcycle towards dowry. Unable to bear the harassment of the accused, the deceased committed suicide.

4. Learned counsel for the petitioners contended that the alleged complaint was lodged with false allegations without any proof and also for the purpose of harassing the petitioners to extract money. He further contended that there is no abetment for commission of suicide by the deceased. He further contended that immediately

after the alleged incident on 09.05.2019, the de-facto complainant did not lodge the complaint, as such, there was delay in filing the complaint, which clearly demonstrates that it was a false complaint. Thus, he prayed to quash the proceedings against the petitioners.

5. Learned Additional Public Prosecutor opposed the petition.

6. The law regarding sufficiency of grounds which may justify quashing of FIR in a given case is well settled. The Court has to eschew itself from embarking upon a roving enquiry into the details of the case. It is also not advisable to adjudge whether the case shall ultimately end in submission of charge sheet and then eventually in conviction or not. Only a *prima facie* satisfaction of the Court about the existence of sufficient ingredients constituting the offence is required in order to see whether the FIR requires to be investigated or deserves quashing. The ambit of investigation into the alleged offence is an independent area of operation and does not at all for interference in the same except in rarest of rare cases. The operational liberty to collect sufficient material, if there exists any, cannot be scuttled prematurely by any uncalled for overstepping of the Court. It has to be an extremely discreet exercise. The Hon'ble Apex Court's decisions given in the case of ***R.P. Kapur vs. The State of Punjab***¹ and in the case of ***State of Haryana vs. Bhajan Lal***² have also recognized certain categories by way of illustration which may justify quashing of a complaint or charge sheet and the same may also be good grounds to quash the FIR. Some of

¹ AIR 1960 SC 866

² 1992 SCC (Cri) 426

them also akin to the illustrative examples given in the case of ***Smt.Nagawwa vs. Veeranna Shivalingappa Konjalgi***³. The case is whether the allegations made against the accused in the FIR or the evidence collected by the investigating officer do not constitute any offence or whether the allegations are absurd or extremely improbable or impossible to believe or whether the Prosecution is illegally barred or whether the criminal proceedings are malicious and malafide, instituted only for ulterior motive of wreaking vengeance may be, illustratively, the fit cases for the High Court in which the FIR or the criminal proceedings may be quashed. If a particular case falls in some such categories as recognized by the Apex Court in ***Bhajan Lal's case (supra)***, it may justify the interference by this Court in exercise of its inherent power as provided in the Code of Criminal Procedure or in exercise of its power vested by the Constitution of India.

7. Illuminated by the case law hereinabove, this Court has adverted to the entire facts available on record. The submissions made by the learned counsel for the petitioner call for a determination on pure questions of fact which may adequately discerned either through proper investigation or which may be adjudicated upon only by the trial Court. This Court does not deem it proper to suffocate the ambit and scope of independent investigation into the case. A thread-bare discussion of various facts and circumstances, as they embark from the allegations made against the accused, is being purposely avoided by the Court for the reason

³ (1976) 3 SCC 736

that the same might cause any prejudice to either side during investigation or trial. But, it shall suffice to observe that a perusal of the record makes out *prima facie* offence at this stage and there appears to be sufficient grounds for investigation in the case. Therefore, I do not find any justification to quash the proceedings against the accused as the case does not fall in any of the categories recognized by the Apex Court which may justify their quashing. Thus, the prayer for quashing the proceedings in crime No.118 of 2019 on the file of Utnoor Police Station, Adilabad District, is refused as I do not find any breach of constitutional provisions or any abuse of process of law.

8. With the aforesaid observations, the Criminal Petition is dismissed. However, the petitioners/A1, A3 and A4 shall appear before the trial Court and move an application for bail in accordance with law.

9. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

JUSTICE G.SRI DEVI

1st August, 2019

sj