

HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.3 AND 4 OF 2019

IN/AND

CRIMINAL PETITION NO.7762 OF 2019

COMMON ORDER:

The petitioner, who is accused No.1 in Crime No.201 of 2019 of Chaderghat Police Station, Hyderabad city, filed this Criminal Petition under Section 482 of the Code of Criminal Procedure to quash the proceedings in the above case registered for the offences punishable under Sections 306 and 498-A of the Indian Penal Code.

During pendency of the Criminal Petition, I.A.Nos.3 and 4 of 2019 came to be filed by the second respondent to record the compromise and to compound the offences. Along with the petition, a joint memo came to be filed, *inter alia*, stating that at the intervention of elders and well wishers, the parties have settled their disputes in terms of the compromise. The said joint memo has been supported by the affidavit of the second respondent.

Today, when the matter is taken up for compromise, learned Additional Public Prosecutor brought to the notice of this Court that earlier the petitioner along with his family members i.e., accused Nos.2 to 4 filed Criminal Petition No.6112 of 2019. By an order, dated 16.11.2019, this Court quashed the proceedings in the above crime insofar as accused Nos.2 and 4, however, dismissed the petition in respect of this petitioner/accused No.1 as there are allegations against the petitioner herein. Therefore, he submits that quashing the proceedings against the petitioner herein in terms of compromise would not arise.

At this stage, learned Counsel for the petitioner would submit that this Criminal Petition may be disposed of on merits. Hence, heard learned Counsel for the petitioner/accused No.1 and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner/accused No.1 submitted that the petitioner/accused No.1 has not committed any offence as alleged by the prosecution and he has falsely implicated in the above case without committing any act of offence and only to harass the petitioner physically and mentally, the second respondent filed this case. It is further submitted that the petitioner performed the marriage of the elder daughter of the second respondent in the year 2000 and out of their wedlock they were blessed with one daughter and she is studying Degree first year and that he used to look after his wife with love and affection and took much care on her till her death and that there were no disputes between them and most of the time, they used to stay at the house of the second respondent. It is further submitted that since four years, the petitioner's wife was suffering from paralysis and the petitioner has been taking care of her health and food and served his wife in all respects and when he was promoted as Head Constable and transferred to Palvanha in Khammam District, the petitioner was compelled to stay at his work place and in spite of the same, he used to come to Hyderabad to take care of the needs of his wife and that the petitioner never harassed his wife at any point of time and the present complaint is given by the second respondent due to the sudden death of her daughter by consuming sleeping tablets. It is further submitted that the petitioner is having girl

child of 17 years old studying Degree first year and he has to take care of his daughter.

As seen from the record, the second respondent gave a complaint on 20.08.2019 stating that her elder daughter was married to the petitioner/accused No.1 in the year 2000 and after six months of the marriage, the petitioner and his family members started harassing and torturing her daughter and her daughter suffered with paralysis in the year 2015 and four months back, her daughter came to her house as her husband transferred to Palvancha on promotion as Head-Constable and further alleged that the petitioner/accused No.1 used to visit her house in drunken condition and used to beat and torture her daughter frequently; that on 16.08.2019 at about 2.30 pm, the petitioner/accused No.1 came to her house and beat her daughter by saying that he is missing his sister because of his wife and stated that living of his wife is waste and better to go and die due to which her daughter went to depression and on 19.08.2019 and at about 10.00 p.m. she consumed sleeping tablets stating that she does not want to survive and immediately, the complainant shifted her to Yashoda Hospital and from there to Omni Hospital, Dilsukhnagar and from there to KIMS for better treatment and when shifted to KIMS, Secunderabad, they declared as brought dead.

Section 306 of I.P.C. refers to abetment of suicide. It says that if any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment for a term which may extend to 10 years and shall also be liable to fine. The action for committing suicide is also on account of disturbance caused by mental and physical cruelty. To constitute an offence under Section 306 of I.P.C. the prosecution has to

establish beyond reasonable doubt that the deceased committed suicide and the accused abetted the commission of suicide.

In *Sonti Rama Krishna VS Sonti Shanti Sree and another*¹, wherein the Apex Court held that “to constitute the abatement, it should be established by means of acceptable evidence by the prosecution that the accused had the animus to drive the woman to commit suicide. Mere uttering of words ' go and die' itself will not constitute such abetment. Applying the above principles, to assess as to whether the accused really had the animus and had driven the woman to commit suicide, the Court has to take into account the credibility of the circumstances.”

In the instant case, the petitioner/accused No.1 was transferred to Paloncha on his promotion and he is staying there while the deceased was staying in the house of the second respondent. As per the contents of the complaint, on 16.08.2019 at about 2.30 p.m., the petitioner/accused No.1 came to the house of the second respondent and uttered the words towards the deceased that “your life is waste and better to go and die”, but the deceased committed suicide on 19.08.2019 by consuming sleeping tablets and at that time the petitioner was not present in the house of the second respondent and he is in his work place i.e., Paloncha. Admittedly, the deceased was suffering from paralysis for the last four years and due to paralysis, she might have committed suicide. Apart from that it is also not on record that the deceased committed suicide because of any abatement on the part of the appellant.

Having regard to the principles laid down by the Apex Court in *Sontui Rama Krishna VS Sonti Shanti Sree and another (supra)* and

¹ AIR 2009 SC 923

looking into the nature of allegations levelled against the petitioner/accused No.1, this Court is inclined to quash the proceedings against the petitioner/accused No.1.

Accordingly, the Criminal Petition is allowed and the proceedings in Crime No. 201 of 2019 of Chaderghat Police Station, Hyderabad City, against the petitioner/accused No.1 are hereby quashed.

Consequently, I.A.Nos.3 and 4 of 2019 filed by the petitioner/accused No.1 to record the compromise and to compound the offences, and other miscellaneous petitions, if any, pending shall stand closed.

(G. SRI DEVI, J)

20.12.2019
gkv

