

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4995 of 2014

ORDER :

The petitioners are A1 to A5 of Crime No.8 of 2013, dated 11.01.2013 of RPS Mancherial, R.P. District, Secunderabad, registered for the offence punishable under Section 174 Cr.P.C. in turn transferred to Basanth Nagar Police Station, Karimnagar District where Crime No.157 of 2013 on 05.11.2013 registered under Section 306 IPC, which is out come of report of the 2nd respondent - railway employee and found the dead body near the track of Mancherial RPS jurisdiction.

The 3rd respondent is the father of the said deceased, A1 is the wife-Neelima of the deceased by name K. Ramesh Kumar, A2 and A3 are parents of A1 and A4 and A5 are brothers of A1.

The contentions in the quash petition vis-à-vis the oral submission of the learned counsel for the petitioners supra are that none of the ingredients of the offence under Section 306 IPC that attracts not only from the fact that the police originally registered the crime under Section 174 Cr.P.C. and even after the Police Basanthnagar registered the crime from the statement there is no any material to show any complicity of any of the accused to the crime and mere filing of any report to the police for the dowry harassment and other harassment with dowry demand under Section 498-A IPC or under Sections 3 and 4 of the Dowry Prohibition Act or for the allied offences no way can be considered as instigation or aiding or conspiracy, which are the three limbs any of them to attract defined under Section 306 IPC and thereby the proceedings are liable to be quashed.

Learned Public Prosecutor opposed the petition saying the investigation has to go to its logical end for nothing to interdict the said crime proceedings, so also the submission of the learned counsel for the 3rd respondent/LW.3.

Heard and perused.

From the statement of the *de facto* complainant, the 2nd respondent, there is nothing to show how the deceased committed suicide and for what facts behind as he is totally stranger, but for bringing to the notice of the RPS Police Station jurisdiction dead body meeting with unnatural death either suicide or homicidal as the case may be found lying. LW.2 - Ellaiah, who is also speaking the same facts in tune to LW.1-B.R.Ravindranath and nothing more to discuss from them.

Now coming to LW.3, the father of the deceased Ramesh Kumar by name Komuraiah it shows Ramesh Kumar was originally working as Software Engineer in USA and the marriage of the 1st petitioner/A.1 with the deceased Ramesh Kumar arranged through elders was performed on 28.11.2007 and 15 days after marriage, the couple left to America and only in the year 2010 the couple came back returned to India on 12.12.2010 Neelima gave a report to NTPC police against her husband and others as to he was harassing including for meeting additional dowry demand, physically and mental with criminal intimidation and the crime registered for the offences punishable under Sections 498-A, 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act and later there was arrangement through elders in settling the score covered by the crime and the couple through elders conspired to drown their

differences and again they left to America and some time later, they came back to India and his son reached Bellampally and Neelima went to her parents house at NTPC, Ramagundam area and she filed a private complaint for dowry harassment and criminal intimidation and threat etc and the Court referred the same to the police and police registered the crime.

While things stood thus, on 31.10.2012 Neelima came opposite to their house and started hartal and they shifted their family from that village fearing for her and again on 15.12.2012 Neelima given another report to Bellampally Police and the police called for counseling and on 08.01.2013 there was a panchayat including before the police and the panchayat could not resolve the dispute amicably and postponed to 11.01.2013. It says on that day Neelima and her brother Tunga Prudhvi Raj threatened Ramesh Kumar saying that unless he takes his wife Neelima, they do not hesitate even to kill. It is there from says, he felt panic and committed suicide by left a suicide note on the even date.

The so called suicide note speaks that Neelima and their family members are filing case after case and they forcibly tried to bring her into their house even he is unwilling to join her or allow her and without pointing out the mistakes and faults committed by her by unheeding what he was saying including before the elders brought by them by saying as he was heeding to them they tried to beat him and they gained sympathy because Neelima is female and because of the cases, he is feeling hell and unable to live with her and instead of obliging their demand to live with her he thought of

putting an end to his life and also by saying his family members are also troubling from him.

A perusal of the suicide note no way shows in the panchayat, anybody instigated or driven or aided for his any opinion formed to commit suicide, which are any of the pre-requisites out of any of the three ingredients to attract Section 107 IPC to invoke Section 306 IPC.

Having regard to the above, the continuation of crime proceedings even on face value of the suicide note and statement of LW.3, father of the deceased is nothing but abuse of process, leave about the parties already settled all their crimes including the crimes pending on the report of Neelima as *de facto* complainant against LW.3 and other family members referred supra.

Accordingly and in the result, to subsured the ends of justice, the criminal petition is allowed quashing the proceedings in FIR No.157 of 2013 of Basanthnagar Police Station, Karimnagar District. The bail bonds if any shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19.02.2019.
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