

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13176 of 2018

ORDER:

The petitioners are Accused Nos.2 to 4 among four accused in S.C.No.626 of 2018 on the file of the learned Principal Senior Civil Judge at L.B.Nagar of Ranga Reddy District. The *de facto* complainant is the second respondent. The Sessions Case is outcome of Crime No.875 of 2017 of Kukatpally Police Station, Cyberabad, registered for the offences punishable under Section 498-A and 306 of IPC from the report of the *de facto* complainant against the four accused including the petitioner A2 to A4 supra dated 30.11.2017. The police after investigation by citing eleven witnesses including LWs.9 to 11, the Sub Inspector who issued First Information Report and the Investigating Officer and the subsequent Investigating Officer who assisted A2 to A4 and the other Investigating Officer who has completed investigation and filed charge sheet, the *de facto* complainant as LW1 no other than sister of the deceased, husband of the *de facto complainant* as LW2 and brother of LW2 as LW3, and two more circumstantial witnesses LWs.4 and 5 and the panch witnesses to the scene observation including LWs.6 and 7 and the doctor who conducted autopsy on the body of the deceased as LW8. The report of the *de facto* complainant in registration of the crime reads that on that day at about 08.00 a.m., her sister's husband Venna Venkatesh A1 called her husband LW2 Peddi Haribabu and informed about Anuradha the deceased, wife of A1, committed suicide by hanging to a ceiling fan at the bed room by bolting the door from inside and they later opened the door and observed of she breathed the last.

On information, they immediately along with other relatives rushed to Plot No.282 of Anjaneya Nagar, Moosapet, Kukatpally of Hyderabad and found the body of deceased. It is further mentioned that previously the deceased Anuradha @ Anu was harassed and even beaten by her husband and to the same even mediated through elders and he never changed his attitude and he and his parents and only brother V.Prasad - A2 to A4 along with A1 used to harass the said Anuradha-deceased regularly and unable to bear with their torture, she committed suicide and breathed last and they are suspecting doubts about the alleged suicide. It is also mentioned that A1 was having illicit relations with others upon which he used to pick up quarrels with the deceased hence to take action against A1 husband of the deceased Venkatesh, A2 mother of A1 V.Maruthi Rama (wrongly described as Venna Rama Devi), A3 father of A1 V.Durga Rao and A4 only brother of A1 V.Prasad. It is therefrom the crime registered for the offence supra and from the investigation filed the charge sheet referred supra from which the learned committal Magistrate taken cognizance and committed the case to the Court of Sessions and Sessions case number was allotted in securing presence of accused. The present quash petition impugment against the same is that there are no specific allegations against A2 to A4 but for against A1 and mere use of word harassment nowhere suffice to rope them to the grave crime leave apart A2, A3 – parents of A1 who are residents of Bapatla of Guntur District residing at Vijayawada and the question of their interfering and their support to A1 in the matrimonial issues that deceased discerns, they never interfered of, infact with the marital life and that A4 resident of

Jaipur of Rajasthan State and never interference with the affairs of deceased and A1. The petitioners have no ill feelings against the deceased in any manner and nowhere concerned with any of the alleged offences, if at all committed by A1 and they are unnecessarily framed in the case falsely, hence, to quash the proceedings.

2. Notice sent to the *de facto* complainant, even served, failed to attend and taken as heard the *de facto* complainant second respondent, heard public prosecutor representing first respondent and the learned counsel for the petitioners A2 to A4 and perused the material on record.

3. The counsel for the petitioner reiterated the contentions of the quash petition with reference to the material on record and the learned public prosecutor opposed the same showing there is *prima facie* accusation against the petitioners also along with A1 who all harassed the deceased in driving to commit suicide by their instigation and abetment and thereby petitioner is liable to be dismissed and it is also the contention that there are ingredients to attract the offences punishable under Section 498A besides 306 IPC and nothing to quash the proceedings.

4. The report of the *de facto* complainant referred supra in registration of the crime mainly speaks about the harassment by A1 husband of the deceased having maintained illicit relation with others and ill treated. There is no specific allegation but for vague averments of harassment against A2 to A4 concerned and it is not even the case that deceased and A1 are residing along with A2, A3 parents of A1 much less A4 brother of A1. The alleged occurrence

was at Moosapet near Kukatpally, Plot No.282, Anjaneya Nagar, where deceased and A1 were residing and A2, A3 parents of A1 are residents of Vijayawada, H.B.Colony, Srinivas Nagar and A4 as resident of L.B.S.Colony, Jaipur of Rajasthan State. Even the report mentions A1 was beating and even dispute raised through elders that did not change his conduct, sofar as statement of the *de facto* complainant during investigation, registration of the crime and also speaks about A1 got extra marital relation with other ladies from which deceased was questioning and there were disputes and A1 was harassing her. It is also mentioned about other accused also harassed without specifically saying by whom, where and when and in what manner. LW2 husband of LW1 *de facto* complainant even stated the same and nothing new nor with any further acts and he has no any personal knowledge, nor any information from deceased of any harassment deceased met in the hands of A1 much less of A2 to A4. LW3's statement is nothing new nor further to LW2. Sofar as the circumstantial witnesses, LWs.4 and 5, LW4 Dornala Ravindar Reddy, resident of Anjaya Nagar, Moosapet, Plot No.102, Sirijallu Apartment states that on 30.11.2017 at about 07.30 a.m., Venkatesh A1 telephone him and informed that his wife Anuradha (deceased) went inside the bed room of the house and bolted from inside and not opening the door in spite of his request and asked him to follow and from that phone call he rushed there and knocked the doors of the bed room where deceased was inside then both of them broke open the door by pushing it and after bolt was removed and broken the door open and the deceased Anuradha was found hanging to a saree, tied to ceiling fan and they suspecting she might be alive removed the

knot to her neck from the saree tied to the ceiling fan by cut the saree and found she already breathed the last. LW5 K.Lakshmi, W/o.Prabhakar Rao, of Plot No.282 of Anjaneyanagar, Moosapet, Kukatpally, stated in the same line that on that day at about 08.00 a.m., D.Ravindar Reddy, LW4 informed of Anuradha, W/o.Venkatesh, committed suicide by hanging and they went there and the dead body lying on ground in the bed room. From the above, there are no any specific allegations of any of the petitioners 2 to 4 accused abetted to the committing of suicide by deceased within the meaning of Section 306 IPC of the abetment defined under Section 107 IPC.

5. Having regard to the above, the petition is to be allowed by quashing the proceedings of the allotment of Sessions Case number at the post cognizance stage of the crime proceedings for the offences supra against the accused.

6. Accordingly and in the result the petition is allowed by quashing the proceedings against the petitioners A2 to A4 concerned in S.C.No.626 of 2018 on the file of Principal Senior Civil Judge at L.B.Nagar and they are acquitted. The bail bonds of the petitioners/A2 to A4, if any, shall stand cancelled.

Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:21.01.2019
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