

HONOURABLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No. 2093 of 2019

ORDER:

The petitioners, who are A-1 to A-4, seek to quash the proceedings initiated against them in P.R.C.No.4 of 2018 on the file of the XVI-Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences punishable under Sections 498-A, 306, 201 read with Section 34 of I.P.C.

The case of the prosecution, in brief, is that A-1, A-2 and A-3 are own sisters of A-4. One Sravani (hereinafter referred to as "the deceased") is the wife of A-4 and the 2nd respondent/*de facto complainant* is the mother of the deceased. The marriage between the deceased and A-4 took place on 15.04.2012, they lived at Aliabad, Shahalibanda, Hyderabad and even after five years of marriage, they had no issues. On 21.12.2017, the mother-in-law of the deceased died due to ill-health, on which A-1 to A-4 started harassing the deceased by saying that the deceased had not provided any food to their mother, as a result of which, their mother died. Subsequently, A-1 to A-3 assaulted the deceased with hands and that the deceased informed the same to her mother over phone. Since the deceased was issueless, A-4 sent her to her parents' house, where she resided for six months. Thereafter, on the promise

made by A-4 that he will take care of the deceased well, the deceased was sent back to her matrimonial house. But, A-4 continued the harassment and ill-treatment towards the deceased. On 23.12.2017 morning also, the deceased informed the 2nd respondent that A-1 to A-3 harassed her and assaulted her with hands. As the deceased could not withstand the continuous harassment and ill-treatment of the accused, she committed suicide at her house on 23.12.2017 at about 12.30 hours by hanging herself by tying her chunni to the iron rod of their store room.

Learned Counsel for the petitioners/ A-1 to A-4 submitted that the entire allegations in the complaint and charge sheet as well as 161 Cr.P.C. statements of the witnesses do not disclose the ingredients of Sections 498-A, 306 and 201 of I.P.C. He further submitted that there is nothing on record to show that the petitioners abetted the deceased by instigation or aiding to commit suicide. He further submitted that the petitioners 1 to 3/ A-1 to A-3, who were married long prior to the incident, are in no way concerned with the family of the deceased and A-4. The petitioners have been falsely implicated in the present case. Relying upon the judgment of the Apex Court in *SANJU @ SANJAY SINGH SENGAR V.*

*STATE OF MADHYA PRADESH*¹, the learned Counsel would contend that the ingredients of Section 107 of IPC are not at all made out and as such the petitioners could not be prosecuted for an offence punishable under Section 306 of I.P.C.

On the other hand, Additional Public Prosecutor appearing for the 1st respondent-State as well as learned Counsel appearing for the 2nd respondent/complainant submitted that the material collected by the police during the course of investigation would establish that due to the harassment of the petitioners/accused only the deceased committed suicide. He further submitted that the truth or otherwise of the allegations made in the charge sheet cannot be adjudicated at this stage since the allegations made in the charge sheet prima facie disclose commission of offence. He further submitted that the issue as to whether the petitioners have abetted or aided the deceased in commission of suicide being a mixed question of fact and law, has to be established during the course of trial. Therefore, prayed to dismiss the Criminal Petition.

A perusal of the material on record would show that petitioners 1 to 3/A-1 to A-3, who were married long prior to

¹ (2002) 5 SCC 371

the incident, are no way concerned with the family of the deceased and A-4. Apart from that, as seen from the allegations in the charge sheet, it reveals that there are no specific allegations against the petitioners 1 to 3/A-1 to A-3, except the bald and general allegation that they harassed the deceased by saying that the deceased has not provided any food to their mother, due to which she died. Since all the allegations are attributed against the 4th petitioner/A-4 only, the proceedings in P.R.C.No.4 of 2018 on the file of the XVI-Additional Chief Metropolitan Magistrate, Nampally, against the petitioners 1 to 3/A-1 to A-3 are liable to be quashed.

Insofar as the 4th petitioner/A-4 is concerned, a perusal of the charge sheet and the material in support of the same, this Court does not find it to be a case which can be determined or gone into in an application under Section 482 Cr.P.C. No such ground appears to be available to the 4th petitioner/A-4 on the basis of which the impugned charge sheet can be quashed going by the settled law in *R.P.Kapur v. State of Punjab*²; *State of Haryana v. Bhajan Lal*³; *State of Bihar v. P.P.Sharma*⁴ and *Zandu Pharmaceutical Works Limited v. Mohd. Saraful Haque and another*⁵. Hence, the prayer for quashing the proceedings in P.R.C.No.4

² AIR 1960 SC 866

³ (1992) SCC (Cr.) 426

⁴ (1992) SCC (Cr.) 192

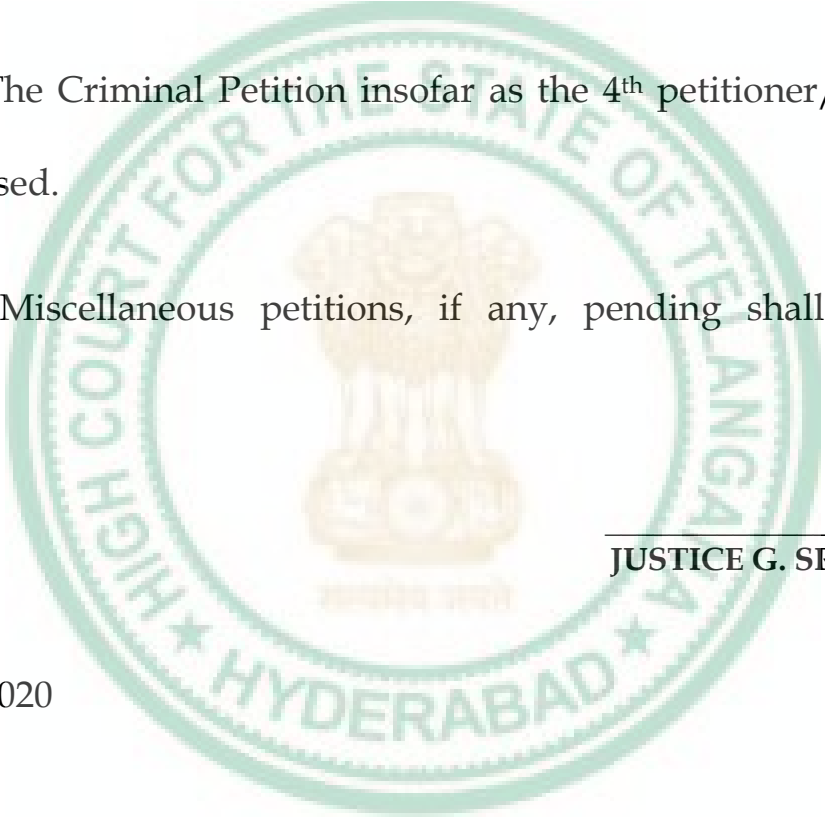
⁵ (2005) SCC (Cr.) 283

of 2018 on the file of the XVI-Additional Chief Metropolitan Magistrate, Nampally, insofar as the 4th petitioner/A-4 is refused.

Accordingly, the Criminal Petition is allowed in part. The proceedings in P.R.C.No.4 of 2018 on the file of the XVI-Additional Chief Metropolitan Magistrate, Nampally, against the petitioners 1 to 3/A-1 to A-3 are hereby quashed.

The Criminal Petition insofar as the 4th petitioner/A-4 is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

A large, faint, circular watermark seal of the High Court for the State of Telangana, Hyderabad, is centered on the page. It features the Ashoka Lion Capital in the center, surrounded by the text 'HIGH COURT FOR THE STATE OF TELANGANA' and 'HYDERABAD' at the bottom, separated by stars.
JUSTICE G. SRI DEVI

10.03.2020
Gsn.

