## IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HONOURABLE SRI JUSTICE T.VINOD KUMAR**

**CRIMINAL PETITION NO: 6482 OF 2020**

**Between:**

1. Yanala Sarojana , W/o. Amrutha Reddy, Aged about 62 years, Occ. Agriculture, R/o. Kotapahad village, Atmakur (s) Mandal, Suryapet District.
2. Yanala Poolamma, W/o. Malla Reddy, Aged about 65 years, Occ. Agriculture, R/o. Kotapahad village, Atmakur (s) Mandal, Suryapet District.

**...Petitioners/Accused**

**AND**

1. The State of Telangana, Through S.H.O, Atmakur (S) Police Station , represented by its Public Prosecutor, High Court, at Hyderabad.
2. Dawarath Samba, S/o. Mancha, Aged about 62 years, Occ. Labourer, R/o. Jagni Thanda, H/o. of Kotapahad (V), Atmakur (S), Suryapet District.

**...Respondents/Complainant**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the criminal proceedings in Crime No.46 of 2018 on the file of Police Station Atmakur (S), Suryapet, for the offences U/s. 306 of IPC against the petitioners/accused herein.

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with filing of Certified copy of the Crime No.46 of 2018 on the file of Police Station Atmakur (S), Suryapet, for the offences U/s. 306 of IPC and accept the Xerox copy of the same.

**I.A. NO: 2 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings including arrest of the Petitioners/Accused herein in Crime No.46 of 2018 on the file of Police Station Atmakur (S), Suryapet, for the offences U/s. 306 of IPC.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Veera Babu Gandu, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of the Respondent No.2 not appearing in person or by Advocate.

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE T.VINOD KUMAR**

**CRIMINAL PETITION No.6482 of 2020**

**ORDER:**

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the Crime No.46 of 2018 on the file of the Station House Officer, Atmakur Police Station, Suryapet District, registered for the offence punishable under Section 306 of the Indian Penal Code. The petitioners herein are arrayed as accused Nos.1 & 2 along with one Erupula Mangamma.

2. Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the first respondent – State and perused the material placed on record.

3. With the consent of the learned counsel appearing for the parties, the criminal petition is taken up for hearing through Video Conferencing in the virtual Court today, i.e. 28.12.2020.

4. The learned counsel for the petitioners would submit that the second respondent/*de facto* complainant has mentioned the name of the petitioners in the complaint lodged with first respondent police authority, though the petitioners are no way connected with the self-help group. The learned counsel would further submit that inasmuch as the petitioners are no way connected with the self-help group, the petitioners could not have played any role in abetting the deceased to commit suicide, as complained of by the *defacto* complainant. Thus, the learned counsel for the petitioners would submit that the petitioners have been falsely foisted in the above crime and thus prays for quashing of the FIR registered.

5. The learned Additional Public Prosecutor, on the other hand, would submit that initially the FIR was registered only under the provisions of Section 306 IPC. Subsequently, upon learning that the deceased is a member of the Scheduled Caste /Tribe, the respondent authority invoked the provisions of SCs & STs (POA) Act, 1989, and the provisions of Section 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989 (for short 'SCs & STs (POA) Act') is also added in the FIR. The learned Additional Public Prosecutor would further submit that a reading of the complaint itself would bring out the involvement of the petitioners in abetting the crime. Thus, the learned Additional Public Prosecutor would submit that this is not an exceptional case for this Court to exercise the inherent powers conferred under Section 482 of Cr.P.C. to quash the crime registered and is being investigated into by the respondent authority.

6. The learned Additional Pubic Prosecutor would also draw the attention of this Court to the judgment rendered by the Hon'ble Apex Court in the case of ***S.M. Datta v. State of Gujarat*** [(2007) 1 SCC 659] wherein it was held that, *"if a perusal of FIR leads to disclosure of the commission of offence even broadly, law courts are barred from usurping the jurisdiction of the police. The investigating authority should be permitted to proceed with the investigation"*. The learned Additional Public Prosecutor would submit that a perusal of the complaint would go to show that it is the conduct of petitioners, that forced the deceased to take the extreme step of ending her life. Learned Additional public prosecutor would also submit that the investigation in the matter is in advance stage, as the first respondent police authority

examined 12 witnesses and recorded their statements and shortly, the investigating authority is going to file the charge sheet in the matter before the concerned trial Court.

7. Having regard to the submissions made as above and considering the fact that the offence alleged against the petitioners relate to abetting for committing suicide and charged under Section 306 IPC read with Section 3 (2)(v) of SCs & STs (POA) Act and having regard to the law laid down in ***S.M. Datta***'s case (supra), as reiterated in the case of ***Taramani Parakh v. State of Madhya Pradesh and others (2015) 11 SCC 260***, this Court is of the view that the present case is not one of exceptional case where this Court is required to exercise inherent powers under Section 482 of Cr.P.C.

8. In view of the above, the criminal petition is devoid of merit and is accordingly, dismissed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

**Sd/-B.SATYAVATHI**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Station House Officer, Atmakur Police station, Suryapet District.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri Veera Babu Gandu, Advocate [OPUC]
4. Two CD Copies

MMK

HIGH COURT

TVKJ

DATED:28/12/2020




ORDER

CRLP.No.6482 of 2020

DISMISSING THE CRIMINAL PETITION

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MMD

05/01/2021.