

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 10755 OF 2022

O R D E R:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A2 to quash the proceedings in S.C.No.24 of 2019 on the file of the Sessions Court, Khammam. The offence alleged against the petitioner/A2 is under Section 306 of the Indian Penal Code.

2. Heard. Perused the record.

3. The 2nd respondent filed complaint stating that this petitioner is the owner of Sun Star Company and this petitioner and Accused No.1 convinced the deceased to purchase Sumanth 333 chilli seeds which are of superior quality. The deceased also convinced the other farmers to purchase the said seeds. However, yield of the crop was not as expected and the other farmers started questioning the deceased and also demanded to provide compensation. When this petitioner and other accused were asked to compensate, they refused. Unable to bear the questions of the other farmers

and also for the reason of incurring loss on account of sowing the seeds, the deceased committed suicide.

4. As seen from the allegations made in the charge sheet, the deceased had convinced the other farmers to purchase the said brand of chilly seeds. For the reason of not yielding good crop, the deceased was repeatedly questioned by other farmers, resulting in the deceased committing suicide. Admittedly, the Police had not investigated into the fact whether the said seeds were of inferior quality or not. The role attributed to this petitioner is that he was owner of the Company which sold the particular brand of seeds.

5. To attract an offence under Section 306 of the Indian Penal Code, it has to be proved that the accused has abetted the commission of suicide. Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of such thing. There must be direct or indirect proof of any acts of incitement to the commission of suicide.

6. In the present case, the petitioner is the owner of Sun Star Company which sold chilly seeds. When there is no active

abetment by this petitioner and the circumstances compelled the deceased to commit suicide, this petitioner cannot be tried for the offence under Section 306 of the Indian Penal code as none of the ingredients are made out. In the event of Police causing investigation into the quality of seeds and it is found that deliberately inferior quality seeds were sold, the petitioner would have been liable for cheating and also under the Seeds Act.

7. Accordingly, the Criminal Petition is allowed and the proceedings against this petitioner in S.C.No.24 of 2019 on the file of the Sessions Court, Khammam, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

Date: 08.02.2023
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K.SURENDER, J

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Dt. 08.02.2023

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