

(2024) 04 TEL CK 0004

High Court For The State Of Telangana:: At Hyderabad

Case No: Criminal Petition No. 11353 Of 2023

Shaw Sai Vandana

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 107, 306
- Code Of Criminal Procedure, 1973 - Section 482

Hon'ble Judges: K. Sujana, J

Bench: Single Bench

Final Decision: Allowed

Judgement

1. This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings against the petitioner/accused No.2 in S.C.No.660 of 2018, on the file of the learned XX Metropolitan Magistrate, Malkajgiri, Cyberabad Commissionerate, registered for the offence punishable under Section 306 read with 34 of the Indian Penal Code, 1860 (for short 'the IPC').

2. Brief facts of the case are that respondent No.2/de facto complainant lodged a complaint before the Police, Neredmet Police Station, against the petitioner and other accused stating that his younger daughter has committed suicide because of accused No.1 alleging that while the deceased was working as HR in Water Leaf Consultancy, Panjagutta, one person by name Krishna Chaitanya/accused No.1 came for interview. The deceased got well acquaintance with him. After one week, when he proposed the deceased to marry, she accepted the same and since then they are moving closely. After sometime, accused No.1 and the deceased participated in sexual intercourse and continued the same thereafter, as such, she became pregnant, on which, accused No.1 gave a pil/tablet to her, due to which, her pregnancy was gone. The deceased started forcing accused No.1 to marry her. In the month of December, 2016 they got married. Thereafter, she came to know that

accused No.1 was having affair with another girl by name Vandana/petitioner/accused No.2, who is well aware about the deceased and her relationship with accused No.1. Nevertheless, the petitioner accepted to marry accused No.1. Due to which, the deceased went to depression and after some time, she committed suicide. Basing on the said complaint, the Police registered a case in Crime No.363 of 2017 for the offence punishable under Section 306 read with 34 of the IPC and after completion of investigation, they filed charge sheet before the XX Metropolitan Magistrate, Malkajgiri, Cyberabad.

3. Heard Sri Y. Soma Srinath Reddy, learned counsel appearing on behalf of petitioner as well as Sri S. Ganesh, learned Assistant Public Prosecutor appearing on behalf of the respondent-State. Though notice served upon respondent No.2, none appeared on his behalf.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegations levelled against the petitioner are vague and there is no evidence to prove that the deceased committed suicide because of the petitioner. Learned counsel further submitted that without proper investigation, police filed charge-sheet. Therefore, prayed the Court to quash the proceedings against the petitioner.

5. On the other hand, learned Assistant Public Prosecutor submitted that the alleged allegation shows that the deceased has committed suicide because of the petitioner, as she married accused No.1. Therefore, at this stage, it cannot be said that the offence under Section 306 of IPC does not constitute. Hence, prayed the Court to dismiss the petition.

6. Having regard to the rival submissions made by both the learned counsel and having gone through the material available on record, to quash the proceedings under Section 482 of Cr.P.C, the Court has to see whether the averments in the complaint *prima facie* shows that they constitute the offence as alleged by the Police.

7. Section 306 of the IPC reads as under:

“306. Abetment of suicide:- If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

8. To prove the offence under Section 306 of IPC, the prosecution has to prove that the deceased committed suicide due to the abetment of the petitioner/accused. Section 107 of IPC defines abetment to mean that a person abets the doing of a thing, if he, firstly, instigates any person to do that thing; secondly, engages with one or more other persons in any conspiracy for the doing of that thing; thirdly, by an act or illegal omission, the doing of that thing.

9. In the present case, perusal of the suicide note reveals that the deceased mentioned about accused No.1, who is her husband and he is going to marry another girl i.e., the petitioner. Except the above statement there are no other allegations against the petitioner. However, this Court is of the considered view that even if the trial is conducted, no purpose would be served and continuation of proceedings amounts to abuse of process of law. The only offence alleged against the petitioner is under Section 306 read with 34 of IPC and there are no other specific allegations against the petitioner. Therefore, the proceedings against the petitioner are liable to be quashed.

10. Accordingly, the criminal petition is allowed and the proceedings against the petitioner in S.C.No.660 of 2018 on the file of the learned XX Metropolitan Magistrate, Malkajgiri at Cyberabad, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.