
(2023) 02 TEL CK 0029
In the Telangana High Court
Case No : Criminal Petition No. 1321 Of 2023

Meena Jain

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 08-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 304B, 498A
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2023) 02 TEL CK 0029

Hon'ble Judges : K.Surender, J

Bench : Single Bench

Advocate : K Pradeep Reddy

Final Decision : Disposed Of

Judgement

1. This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners No.1 and 2 - Accused Nos.4 and 5 to call for records relating to and in connection with Crime No.24 of 2023 on the file of Station House Officer, Narayanguda Police Station, Hyderabad and to quash the same against the petitioners. The offence alleged against them are under Section 304 - B of the Indian Penal Code.

2. Heard learned counsel for the petitioners No.1 and 2 - Accused Nos.4 and 5 and learned Assistant Public Prosecutor for the respondent - State. Perused the material on record.

3. The respondent No.2, who is the father - in - law of accused No.1 filed complaint stating that accused No.1 was married to his deceased daughter in the year 2009. At the time of marriage, dowry was also given. The petitioners herein, who are arrayed as accused Nos.4 and 5 are the sisters of accused No.1. According to the complaint, after marriage of accused No.1 with the deceased, she was constantly being harassed for additional dowry. It is further stated that the deceased daughter and accused No.1 were living separately at Narayanaguda

in a flat. The said incident of suicide occurred at Narayanaguda.

4. Learned counsel for the petitioners would submit that these petitioner were already married and living separately with their spouses. Petitioner No.1/Accused No.4 is the resident of Thane, Maharashtra and petitioner No.2/accused No.5 is the resident of Gadag, Karnataka. Learned counsel for the petitioner relied on the judgment of Hon'ble Supreme Court in Neelu Chopra and another Vs. Bharti (2009) 10 Supreme Court Cases 184 and as per the said judgment, bald allegations leveled cannot be made basis for prosecuting the relatives of the husband.

5. Learned Assistant Public Prosecutor for respondent – State on the other hand would submit that this Court under Section 482 of the Cr.P.C cannot order not to arrest the petitioners, in view of the judgment of the Hon'ble Supreme Court in Neeharika Infrastructure Private Limited Vs. State of Maharastra and Ors. 2021 SCC Online SC 315, which was subsequently followed by the Hon'ble Supreme Court in Priyanka Yadav's case. Learned Assistant Public Prosecutor has also relied upon the judgment in Siddharth Muskesh Bhandari Vs. The State of Gujarat and Ors Criminal Appeal No.1044 of 2022. in which the Hon'ble Supreme Court has clearly stated that staying investigation under Section 482 of IPC was not warranted, following the order of Neeharika Infrastructure Private Limited Vs. State of Maharastra and Ors.

6. As seen from the allegations in the complaint and also the averments made in the remand report, it is mentioned that these petitioners were staying at Begum Bazaar along with their parents occasionally and quarrelling and harassing the deceased. Admittedly, the alleged incident had taken place at Narayanguda when the 2nd respondent's deceased daughter and accused No.1 were living separately. In the entire complaint, there is no specific allegation as how the petitioners were involved in any manner prior to the commission of suicide by the deceased There is no incident of involvement of these petitioners soon before the commission of suicide by the deceased. Accepting allegations, offence under Section 498-A of the Indian Penal Code would be attracted against the petitioners. Admittedly, the petitioners were married long prior to marriage of accused No.1 and deceased and living separately at Karnataka and Maharashtra.

7. In the said circumstances, this Court deems it appropriate to direct the Investigating Officer in Crime No.24 of 2023 on the file of Station House Officer, Narayanguda Police Station, to conclude the investigation without taking any coercive steps against the petitioners No.1 and 2 – Accused Nos.4 and 5. Further, the petitioners No.1 and 2 – Accused Nos.4 and 5 shall co-operate with the Investigating Officer as and when required for the purpose of investigation.

8. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.