

Madhya Pradesh High Court

Lalta Bai vs State Of Madhya Pradesh on 24 August, 2001

Equivalent citations: II (2002) DMC 78

Author: S Saraf

Bench: S Saraf

ORDER S.S. Saraf, J.

1. This petition under Section 482, Cr.P.C. has been directed for quashing the criminal proceedings initiated against the petitioner for offence punishable under Section 306, I.P.C.

2. The facts giving rise to this petition are these :

The petitioner was married to the deceased Ram who committed suicide on 11.5.1999. The matter was reported to the Police Station, Bamhani-Banjar, District Mandla. Merg was registered and the legal proceedings were conducted. On 4.1.2001 a Crime No. 3/2001 was registered against the petitioner for offence under Section 306, I.P.C. It has been alleged by the prosecution that there were strained relations between the petitioner and her husband, the deceased Ram, and due to the extreme bitterness they used to quarrel off and on. It is, further, alleged that on 11.5.1999 when the deceased Ram committed suicide by hanging himself on the tree, there was a furious quarrel between the deceased and the petitioner and consequently the deceased committed suicide. The police, Bamhani-Banjar, therefore, registered the said offence against the petitioner on 4.1.2001 on the basis of the report lodged by one Prahlad.

3. A careful scrutiny of the entire material on record reveals that the deceased and the petitioner had quarrel immediately before the deceased committed suicide on 11.5.1999. It is also clear from the record that both of them used to quarrel time and again. It also appears that some times the petitioner used to beat her husband, the deceased. There is however, nothing on record to prima facie establish that the petitioner ever persuaded or instigated the deceased to commit suicide. The witnesses Nanhe and Chhannulal in their statements recorded under Section 161, Cr.P.C. have stated that the petitioner and the deceased quarrelled on the fateful day before the deceased committed suicide. Chhannulal has also stated that both of them used to quarrel off and on. Though, it is clear from the record that for domestic reasons or whatsoever both the husband and wife used to quarrel, however, there is nothing on record to indicate that the actions of the petitioner were so conducive to derive the deceased to commit suicide. The deceased could take appropriate legal and social action against the petitioner for the frequent quarrels between them. May be, the tenor of the petitioner was responsible for creating bitterness in the life of the deceased but simply because the petitioner used to quarrel with him, it cannot be said by any stretch of imagination that the deceased had no option but to commit suicide. There is nothing on record to prima facie establish that the petitioner ever instigated, conspired or facilitated the commission of suicide by the deceased.

4. If the said Crime No. 3/2001 is not quashed, criminal proceedings will be initiated against the petitioner for offence under Section 306, I.P.C. In that case the initiation of proceedings against the petitioner would be nothing but an abuse of the process of the Court. Although in exercise of the inherent jurisdiction under Section 482, Cr.P.C. registration of crime against a person should not

generally be quashed, but this is the exceptional case where the facts and circumstances warrant interference by this Court in exercise of inherent jurisdiction under Section 482 Cr.P.C.

5. For reasons stated above, this petition is allowed and the offence under Section 306, I.P.C. registered at Police Station Bamhani-Banjar, District Mandla vide Crime No. 3/2001 is quashed.