

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

Criminal Petition No.392 OF 2022

Between:

Ponnuru Venkata Srihari

... Petitioner/Accused No.2

And

The State of Telangana,
Rep. through Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 10.03.2023
Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

- 1 Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
- 2 Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
- 3 Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

K.SURENDER, J

* THE HON'BLE SRI JUSTICE K. SURENDER

+ CRL.P. No. 392 of 2022

% Dated 10.03.2023

Ponnuru Venkata Srihari

... Petitioner

And

\$ The State of Telangana,
Rep. through Public Prosecutor,
High Court for the State of Telangana,
Hyderabad and another

... Respondents

! **Counsel for the Petitioner:** Sri Salvaji raja Shekar Rao

^ **Counsel for the Respondents:** Sri S.Sudershan

Additional Public Prosecutor for R1

Sri N.Prasanna Kumar for R2

>HEAD NOTE:

? Cases referred

Criminal Appeal No.1164 of 2021

(arising out of SLP (CrI.) No.4512 of 2019)

Dated 05.10.2021

HON'BLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION No.392 OF 2022

ORDER:

1. This Criminal Petition is filed to quash the proceedings against the petitioner/Accused No.2 in S.C.No.250 of 2021 on the file of Assistant Sessions Judge, Peddapalli for the offence under Section 306 r/w 34 of IPC.

2. One E.Ramesh(deceased) was working as DLMT (District Level Monitoring Team) in education department at Sarva Siksha Abhiyan, Peddapalli and promoted as Sectorial Officer on 10.01.2019 and worked for one month in the said position at Peddapalli. A1, J.Padma, GCDO (Girl Child Development Officer) was constantly abusing him and also asked him to work as DLMT, though he was promoted and was harassing over a period mentally and threatened him. Three months prior to the death, the deceased went and met this petitioner/A2, who was working as ASPD (Additional State Project Director). On seeing the deceased, he questioned "Nuvvena Ramesh" (are you Ramesh) and also asked him "ikkadiki Gaddi peeka vachava" (have you come here to pluck grass). In view of the same, the deceased allegedly felt insulted

when A1 was harassing him and also when he met this petitioner, the petitioner humiliated him.

3. On 09.08.2019, the deceased committed suicide by drowning in Godavari River. A hand bag was found which belonged to the deceased and in the hand bag, a suicide note was found. In the said suicide note, it was written that A1, who was working as GCDO was harassing him without giving him the Sectorial Officer post which was vacant though the deceased was eligible. A1 was responsible for ensuring that the deceased did not get the post though he had the requisite qualification. It is further stated in the suicide note that nearly seven months prior to death A1 was abusing him every day on one pretext or the other. It is further alleged that A1 was having illicit affair with A2.

4. On the basis of such suicide note, investigation was done by the police and charge sheet was filed alleging that both A1 and this petitioner/A2 were responsible for abetting suicide of the deceased.

5. On behalf of the petitioner, it was argued that the petitioner was working in Hyderabad and according to the suicide note, the deceased had met him once in the Hyderabad office. Even admitting

that the petitioner asked him sarcastically as to why he had come will not amount to abetment of suicide. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in the case of **Geo Varghese v. The State of Rajasthan** in Criminal Appeal No.1164 of 2021 arising out of SLP (CrI.) No.4512 of 2019 dated 05.10.2021.

6. On the other hand, learned Additional Public Prosecutor would submit that according to the suicide note, this petitioner was having an illegal affair with A1 and A1 was continuously harassing the deceased over a period of seven months and when he went to meet this petitioner, he had passed remarks for which reason of being humiliated, the deceased had committed suicide. It clearly amounts to an offence of abetment to commit suicide and only the trial Court after examining witnesses can draw conclusions. At the initial stage, it would be improper for this Court to quash the proceedings.

7. The evidence against this petitioner is that while he was working as ASPD, the deceased met petitioner/A2 and he sarcastically stated whether he had come to pluck grass (ikkadiki

gaddi peeka vachava). In colloquial language this phrase is used in an insulting manner when a person meets another without proper reason. The said incident of deceased meeting petitioner, admittedly happened three months prior to the suicide/death.

8. Adverse comments that were passed by the petitioner three months prior to the deceased's suicide cannot in any manner be said to come within the definition of abetment under Section 107 of IPC. Section 107 of IPC reads as follows:

“107. Abetment of a thing.—A person abets the doing of a thing, who—

— Instigates any person to do that thing; or

—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

— Intentionally aids, by any act or illegal omission, the doing of that thing.°

9. Instigation is to goad, provoke, incite or encourage to do an act. Further the act of engaging with one or more persons in conspiracy and instigating another for doing of such thing is also punishable. In the present case, A1 was working in Peddapalli, where as the petitioner was working in Hyderabad, which places are at a distance of nearly 200 kms. Though there is a mention that since seven months A1 was harassing him by passing adverse remarks and abusing him, the meeting of the deceased with this

petitioner was three months prior to the incident of committing suicide and a solitary instance. By no stretch of imagination can it be said that A1 and A2 engaged in a conspiracy to instigate or abet the deceased to commit suicide.

10. Abetment involves a mental process of instigating a person or intentionally aiding such person in doing such thing. The act of this petitioner in humiliating is too remote in time to the suicide and it cannot be said that it amounts to instigating or abetting the commission of suicide by the deceased in conspiracy with A1.

11. For the aforementioned discussion, no case is made out against this petitioner to infer or raise a strong suspicion that this petitioner was in any manner involved along with A1 in the process of abetting the deceased to commit suicide.

12. In the result, the proceedings against the petitioner/A2 in SC No.250 of 2021 on the file of Assistant Sessions Judge, Peddapalli, are hereby quashed.

13. Accordingly, the Criminal Petition is allowed. Consequently, miscellaneous petitions, if any, shall stand disposed.

K.SURENDER, J

Date: 10.03.2023

Note: LR copy to be marked.

B/o.kvs

HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.392 OF 2022

Date: 10.03.2023

kvs

