

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.509 2011

9th June, 2015

Between :-

M.Chandra Mouli .. Petitioner

And

The State of A.P.,

Rep.by Public Prosecutor,

High Court at Hyderabad

And another .. Respondents

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.509 2011

ORDER:-

This criminal petition is filed under Section 482 Cr.P.C., by the petitioner, who is accused in Crime No.6 of 2011 on the file of Subedari P.S., Warangal District, registered under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

2. The allegations in brief are as under:-

That the 2nd respondent herein filed a report, dated 03-01-2011 to the Superintendent of Police, Warangal Urban, stating *inter alia* that the petitioner herein stated to have held a Press Meet on 31-12-2010 in Zilla Praja Parishad, Warangal, and stated to have made damaging statement against the 2nd respondent herein and copy of the Press Note was enclosed along with a report.

3. It is the contention of the petitioner that he is working as a Mandal Parishad Development Officer of Raghunathpally Mandal, Warangal District, and his work has been appreciated by the concerned authorities. The petitioner did not say anything against the 2nd respondent herein but only due to political leaders and out of grudge, the petitioner has been implicated as an accused in a case registered under the

provisions of the Act. Hence, the same be quashed.

4. A perusal of the material on record clearly shows that absolutely there are no ingredients warranting continuation of criminal investigation against the petitioner/accused. Admittedly, he is a Mandal Parishad Development Officer and the complainant is a Chair Person of the Zilla Parishad, Warangal. A bear reading of the complainant shows that absolutely no ingredients constituting an offence punishable under the provisions of the Act are made out. It may be appropriate to extract the complainant filed by the Chairperson, Zilla Praja Parishad, Warangal/2nd respondent herein, which reads as under:-

“Sri M.Chandramouli, MPDO working at MPP, Raghunathpaly has convened a press meet in the Zilla Praja Parishad, Warangal premises on 31-12-2010 and given damaging statements against me. (Copies of the press clipping are enclosed herewith for your kind perusal). The statement occurred in the news papers are false and not concerned to me and I am no way concerned of the SC/ST AttrocityCase filed against the said MPDO.

As an S.T.Woman, I feel it is humiliating me for the things which I am not concerned. He is not only damaging Zilla Praja Parishad but also character of S.T.Woman.”

5. Even the newspaper clipping which is sought to be made the basis clearly shows that absolutely no insinuation is made, whatsoever, against the 2nd respondent. What is all that is mentioned in the newspaper report though cannot be made the basis is to the effect that on the basis of some important leaders of Zilla Praja Parishad, a false case has been registered against the petitioner who is the President of MPDO Association.

6. Continuation of investigation on the basis of such allegations, which on the face of it do not constitute the offence, amounts to abuse of process of Court and therefore the same is liable to be quashed.

7. Accordingly, the criminal petition is allowed quashing the F.I.R. in crime No.6/2011 of Subedari P.S., Warangal District, insofar as it relates to the petitioner is

concerned.

Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

M.S.K.Jaiswal, J

9th June, 2015

smr