

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.21466 OF 2011

DATED 05th JUNE, 2015

Between:

Smt. B. Eswaramma

.. Petitioner

and

The State of A.P. rep. by its
Divisional Superintendent of Police-
Cum-Investigation Officer,
Kothagudem, Khammam District
and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER

The prayer in this petition is couched in terms which are beyond easy understanding. It reads as follows:

‘For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the unilateral on the basis of the caste certificate issued by the Tahsildar and without verifying the status of the petitioner since her marriage is arbitrary, discriminating and illegal and violative of Articles 14, 15, 19 and 21 of the Constitution of India and consequently declare that all the proceedings in pursuance of the FIR No.32 of 2011 on the file of the S.H.O., Mulakalapally P.S., Khammam District are contrary to law and pas such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

It appears that the Station House Officer, Mulakalapalli Police Station, Khammam District, registered FIR No.32 of 2011 against the petitioner, on the complaint made by the third respondent, under Section 3(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The complaint of the petitioner herein appears to be that the third respondent, the complainant, is not a member of a schedule tribe upon marriage and that the police authorities cannot proceed unilaterally on the basis of the caste certificate issued by the Tahsildar, in so far as the criminal case is concerned.

The Sub-Inspector of Police, Mulakalapalli Police Station, Khammam District, filed a counter-affidavit stating that upon registration of the crime in June, 2011, investigation was undertaken and in the meanwhile, the petitioner herein filed Criminal Petition No.5540 of 2011 before this Court and obtained a direction to the police not to arrest her till the filing of the charge sheet. He further stated that after completion of the investigation, a charge sheet was filed on 01.08.2011 before the learned I Additional Judicial Magistrate of First Class at Kothagudem, Khammam District.

In the light of the aforestated developments, it is for the petitioner to appear before the Court and put forth her grievance, including the plea raised in the present writ petition. It is not for the police authorities to adjudicate the matter and decide the

validity of the caste certificate issued by the competent authority. The prayer of the petitioner that the police authorities should undertake such an exercise therefore cannot be countenanced.

The writ petition is without merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

05th JUNE, 2015

PGS