

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.10573 of 2015

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ORDER :

This Criminal Petition is filed by the petitioners/accused under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.15 of 2015 of Gurazala Police Station, Guntur District, registered for the offence punishable under Sections 354 I.P.C and 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

Heard the learned counsel for the petitioners/accused and also the learned Public Prosecutor for the State before admission and before notice to the 3rd respondent/*de-facto* complainant. Perused the material on record.

It is the submission of the learned counsel for the petitioners that even in the private complaint there is no enclosure to show any police report given with acknowledgement but for mentioning as if police report given and the learned Magistrate did not apply his mind in entertaining private complaint and referring to police for investigation. It is also the submission that the *de facto* complainant was even terminated from service vide proceedings of the Project Officer of Rajiv Vidya Mission in September, 2012 and the false complaint is engineered with grouse against the petitioner by engineering the allegations in the private complaint and even from

the private complaint averments there is no offence even of Section 3(i)(x) of the of no public view and Section 3(ii)(v) to apply in terms of any other offence committed by a person belongs to scheduled caste or scheduled person knowingly which is punishable for ten years or above there is no such offence made out including even for the offence registered under Section 354 I.P.C. that not made out is only punishable upto five years the maximum punishment as per the amended provision and thereby the proceedings are liable to be quashed.

Though the facts fall short for this Court to admit the application but the factual matrix entitles to the concession of bail.

Accordingly, this criminal petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned and with affidavit of surrender move for regular bail before the learned Special Judge with notice to the Special Additional Public Prosecutor and in such an event the learned Special Judge shall hear and grant bail on the same day with necessary conditions. Needless to say, at the post bail stage pending investigation, the presence of the petitioners before the Court can be dispensed with. Further remedies left open to the petitioners, in the event of police filing final report and any cognizance taken by the learned Magistrate concerned.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:12-10-2015

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