

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO**

-  
**Crl.P.No.1349 of 2015**  
-

**ORDER:**

This Petition is filed under Section 438 Cr.P.C. by the petitioners herein who are A-1 to A-4 in Crime No.161 of 2014 on the file of Ganapavaram Police Station wherein they are accused of having committed offences under Section 323 IPC and read with Section 3 (i) (x) of S.C. & S.T. (Prevention of Atrocities) Act, 1989 (for short 'the Act').

2. According to the complaint lodged by the *de facto* complainant on 14-12-2014, the complainant had married the daughter of petitioner Nos.1 and 2 who belong to Raju community in the year 2004; that it was a love marriage; after marriage they lived in Hyderabad and had male child in the year 2006; subsequently, differences arose between them in July 2011 and she left Hyderabad without informing him. The complainant alleged that he then went to the house of his in-laws i.e. petitioner Nos.1 and 2, and there the petitioner Nos.1 and 2 and petitioner Nos.3 and 4, who are said to be the married daughters of petitioner Nos.1 and 2, abused him by caste name and on 30-11-2014 in the presence of his friend and inside the house of petitioner Nos.1 and 2, the petitioners abused him by his caste name and 4<sup>th</sup> petitioner allegedly beat him on the cheeks with chappals.

3. The learned counsel for the petitioners contends that the allegations made against the petitioners are false on the face of it and do not attract the provisions of the Act. He submits that petitioner Nos.3 and 4 are married daughters and they stay far away from the place of residence of petitioner Nos.1 and 2 and occasionally visit their house only for functions. He further

contends that the incident in question occurred within the premises of the house of the petitioner Nos.1 and 2 and not in a public place in a public view and therefore even if the allegations in the complaint are taken as true, the provisions of the said Act are not attracted. He further contended that the allegations in the complaint only indicate that in a fit of anger, the petitioners are said to have abused the complainant and not with an intention to humiliate him. It is also contended that it is in fact the complainant who had trespassed into the house of the petitioners to enquire into the whereabouts of his wife and son and created a scene and only with a view to harass the petitioners, this complaint is lodged.

4. After considering the complaint as a whole, *prima facie*, this Court is of the opinion that the provisions of the Act may not be attracted since the incident in question appears to have occurred within the four walls of the petitioners' house. Also the likelihood of petitioner Nos.3 and 4 being present in the house of petitioner Nos.1 and 2 is also doubtful since they are admittedly married daughters of the petitioner Nos.1 and 2.

5. In this view of the matter, I am of the opinion that the petitioners shall surrender before the Special Court for offences under the Act at Eluru and apply for regular bail and the said application shall be considered on the same day by the said Court.

6. With the above directions, the Criminal Petition is disposed of.

---

**JUSTICE M.S. RAMACHANDRA RAO**

Date : 26-02-2015  
kvr