

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8284 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioners/A1 to A3 seek to quash the proceedings in Crime No.48 of 2013 on the file of Kosgi P.S, Mahabubnagar District.

2) A.1 is the owner of Dhana Laxmi Para Boil Industry in Kademapally Village of Kosgi Mandal in Mahabubnagar District and A.2 and A.3 are Machine Operators. According to prosecution, the *defacto* complainant Bujamma was working as Coolie and on 25.01.2013, on the instructions of A.1 she was allotted the duty to load paddy into the machine and whereas A.2 and A.3 were instructed to operate the machine. While-so when the complainant was about to load the paddy in the allotted slot of the machine, A.2 and A.3 inadvertently started the machine due to which the *defacto* complainant fell down on the pulley belts connecting to the machine and she suffered grievous injuries to her both legs. She was shifted to SVS Hospital, Mahabubnagar for treatment. A.1 agreed to pay amount towards compensation and medical expenditure but did not pay the amount. Finally on 01.03.2013 when the complainant went to the scene of incident along with her husband and relatives to demand A.1 about the payment of compensation, it is alleged that A.1 threatened her and abused in filthy language touching her caste. Hence the complaint.

3) Heard.

4) The petitioner challenged the FIR contending that a false complaint is invented to squeeze money from A.1 and the alleged incident never occurred. It is argued that the complainant was not an employee in the industry of A.1 and she was only a labourer available at Adda and she was engaged on that day for the purpose of loading paddy into the machine and she has not suffered any grievous injuries. It is further argued that the accident took place on

25.01.2013 and she filed private complaint belatedly by misusing the provisions of S.C & S.T (POA) Act. It is argued that even admitting the incident to be true, the alleged incident took place in the industry of A.1 which was not a public place and in the view of public. It was a private place and therefore, the provisions of S.C & S.T (POA) Act have no application.

5) Learned Addl. Public Prosecutor and learned counsel for R.2/ complainant opposed the petition stating that the complainant was severely injured and hospitalized for about one month in SVS Hospital, Mahabubnagar and the A.1 being the owner of industry he has the responsibility to pay compensation and meet the medical expenditure of the complainant and having promised to rescue her, he betrayed her and when questioned, threatened and abused her in the name of the caste and therefore, the petition is not maintainable.

6) In the light of above rival arguments, the point for determination is:

“Whether there are merits in this petition to allow?”

7) **POINT:** It is seen that there is *prima facie* accusation contained in the FIR and the investigation is reported to be pending as per the submission of learned A.P.P. The medical report issued by Medical Officer, SVS Medical College Hospital, Mahabubnagar shows that the *defacto* complainant suffered fractures to right lateral condyle and left tibia. Then the discharge summary issued by SVS Hospital shows she was treated as inpatient from 25.01.2013 to 06.02.2013. Having regard to the totality of the circumstances, I am of the considered view that a thorough investigation is needed to know the real cause of the injuries to the complainant and the alleged role of A.1 if any in the offence. Therefore, investigation shall be continued to its logical end. Hence, the Police of Kosgi P.S, Mahabubnagar District are directed to complete the investigation expeditiously. However, the police are directed not to arrest the petitioners/A.1 to A.3 during the course of investigation. The petitioners/A.1 to A.3 shall cooperate with the investigating agency for smooth completion of investigation.

8) In the result, this Criminal Petition is disposed of accordingly.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 01.04.2015

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