

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.3003 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused No.1 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.16 of 2015 of Alwal Police Station, registered for the offences punishable under Sections 452, 387, 406, 419, 420, 467, 468, 506(2) I.P.C and Section 3(1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2) Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) It is the contention of the learned counsel for the petitioner is that there are civil disputes between the parties and one G.Laxmi who is A-2 herein filed already two complaints against the defacto-complainant as A-2 and A-4 respectively in Crime Nos.584 and 509 of 2014 respectively which are also outcome of the private complaints referred to police for investigation on the crimes registered, investigation pending and as a counter blast to it by misusing or abusing the provisions of Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, the case was engineered as if there is an

offence committed.

4) Having regard to the above, the facts falls short for this Court to admit the application under Section 482 Cr.P.C to quash the aggrieved proceedings, the factual matrix entitle to the concession of bail to the petitioner, this petition is disposed of giving liberty to the petitioner to surrender before the learned Magistrate and move a regular bail application before the learned Special Judge with affidavit of surrender before the learned Magistrate with notice to the Special Public Prosecutor and in such an event, the learned Special Judge shall consider and grant bail with necessary conditions on the same day. Needless to say at post bail stage, the presence of the petitioner before the learned Magistrate Court concerned can be dispensed with and further remedies, if any, to the petitioner after filing final report by the police and after taking cognizance by the learned Magistrate are left open.

5) With the above observations, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.27th August, 2015

KSH