

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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CRIMINAL PETITION No.1601 of 2011

Between:

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Dandu Srinivasa Rao, and another _____ .. Petitioners

and

State of Andhra Pradesh
Rep. by the Public Prosecutor
A.P High Court, Hyderabad
and another

.. Respondents

DATE OF ORDER PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.1601 of 2011

ORDER:

This is a Criminal Petition filed, under Section 482 Cr.P.C, by

the petitioners/A1 & A2 seeking to quash the proceedings in FIR No.5/2011 on the file of Khammam I Town Police Station, Khammam District, registered for the offences punishable under Sections 294(b) and 506 IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The facts, in brief, are as follows: The petitioners are the journalists and public activists. The second respondent is the Village Revenue Officer. He filed a complaint alleging that on 10.01.2011 the petitioners/A1 and A2 came to him and asked for an income certificate of one Yelishala Mallaiah and when he told that the said Mallaiah is residing in Hyderabad and doing Government job, therefore, he cannot recommend any income certificate to the said Mallaiah. The petitioners, who are said to have irritated, abused the *de facto* complainant in the name of caste saying 'Lambadi Lanjakodaka'. With these allegations, the complaint was filed on 13.01.2011 i.e., after three days of occurrence of incident.

3. The contention of the learned counsel for the petitioners/A1 and A2 is that the petitioners are journalists and they are taking the information for awareness of general public and had been filing the applications under the Right to Information Act. One such instance was where the petitioners/A1 and A2 have sought for information from the Mandal Tahsildar under the Right to Information Act and when that was not given, they approached the appellate authority viz., the Revenue Divisional Officer. Due to that grudge, the petitioners/A1 and A2 have been falsely implicated by the Tahsildar with the help of Village Revenue Officer taking advantage of the fact that the said Village Revenue Officer belongs to the Schedule Tribes community.

4. A perusal of the complaint does not show that there are any ingredients of the offence alleged to have been committed. The only allegation is that when the *de facto* complainant was taking tea, the

petitioners/A1 and A2 went to him and asked him to recommend issuance of income certificate to a person, who was residing in Hyderabad and doing Government Job, and when that was refused to be recommended by the *de facto* complainant, the petitioners alleged to have been abused saying as stated above. Hence, *prima facie*, it is found that except the above there are no specific allegations against the petitioners/A1 and A2 warranting continuation of proceedings in the subject crime. Therefore, the proceedings in the subject crime are liable to be quashed.

5. In the result, the Criminal Petition is allowed and the proceedings in FIR No.5/2011 on the file of Khammam I Town Police Station, Khammam District, are hereby quashed.

As a sequel thereto, miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 24.07.2015
MVA

HON'BLE SRI JUSTICE M.S.K. JAISWAL

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CRIMINAL PETITION No.1601 of 2011

Date: 24.07.2015

MVA