

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

CRL.P.No.476 of 2011

ORDER:

This Criminal Petition is filed by the Petitioner-accused to quash the proceedings initiated against her in Crime No.9 of 2011 of Manuguru Police Station, Khammam District, registered for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The petitioner herein is the accused and respondent No.3 is the complainant in the aforesaid crime.

The case of the 3rd respondent-complainant is that on 26.11.2010 she attended the Judicial Magistrate of First Class Court, Manuguru, in connection with a case filed against her by the petitioner-accused and when she reached near Girls hostel at about 3.40 P.M., the petitioner-accused stopped her and abused her in the name of her caste. However, the 3rd respondent herein gave the complaint to the police on 11.01.2011 after a period of 46 days from the date of incident.

Learned Counsel for the petitioner-accused submitted that the 3rd respondent-complainant filed the present complaint with false and frivolous allegations, after due deliberations and consultations with her family members, as a counter blast to the case i.e., C.C.No.355 of 2008 filed by the petitioner-accused against the 3rd respondent herein and

others.

On 07.06.2008 an incident of assault was said to have taken place wherein the petitioner-accused herein sustained injuries at the hands of the 3rd respondent herein and some others. Thereafter, the petitioner herein filed a complaint against the 3rd respondent and others and basing on the said complaint, the police, Aswapuram Police Station registered a case in Crime No.75 of 2008 and after completion of investigation a charge sheet was filed against the 3rd respondent herein and four others for the offences punishable under Sections 342, 294 (b), 323 and 506 read with Section 34 I.P.C. and the same was numbered as C.C.No.355 of 2008. The trial in the said case was taken up on 26.11.2010 and the petitioner-accused herein, who is the victim in that case, was examined as P.W.1. It is alleged that the 3rd respondent herein and her people threatened the petitioner-accused herein not to proceed with her case in C.C.No.355 of 2008. It is also alleged that the petitioner-accused was taken by the 3rd respondent and her people into a room and threatened and abused her and thereafter the petitioner-accused has filed a complaint with the police, Aswapuram Police Station on 27.03.2010 against the 3rd respondent and others. It is also alleged that on 27.11.2010, the petitioner-accused once again filed a written complaint against the 3rd respondent herein and others before the learned Judicial Magistrate of First Class, Manuguru, and the same has been referred to the police for investigation.

In view of the aforesaid sequence of events, it is manifest that the present complaint has been filed only to pressurize the petitioner-accused to enter into a compromise in C.C.No.355 of 2008, which was filed by her against the 3rd respondent herein and others. That apart, a plain reading of the complaint do not make out a case against the petitioner-accused and the abnormal delay of 46 days in lodging the complaint by the 3rd respondent herein against the petitioner-accused creates any amount of doubt about the authenticity of the said complaint. Therefore, I am of the considered view that continuance of proceedings initiated against the petitioner-accused are nothing but an abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioner-accused in Crime No.9 of 2011 of Manuguru Police Station, Khammam District are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

24-06-2015

Gsn