

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6829 of 2015

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioners-A.1 to A.3 seeking to quash proceedings in Cr.No.185 of 2015 dated 18.05.2015 on the file of the Station House Officer, Moinabad Police Station, Ranga Reddy district registered for the offence punishable under Section 3(i)(x) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 on the complaint of 2nd respondent/defacto-complainant.

2. Heard the learned counsel for the petitioners/A.1 to A.3 so also the learned Public Prosecutor representing State-1st respondent before admission and before ordering notice to the 2nd respondent/de facto-complainant and perused the material on record.

3. As the material falls short for this Court to admit the application under Section 482 of Cr.P.C. to quash the proceedings in Cr.No.185 of 2015 of Moinabad Police Station but for the accused otherwise entitles to concession of bail from the factual matrix that there was also a civil suit for injunction with status quo order against these petitioners obtained by the 2nd respondent in saying the road is being laid in that disputed site for the so called abuse and the First Information Report shows the alleged occurrence on 10.04.2015 and alleged first report is on 20.04.2015 and second report is given on 03.05.2015 registered as First Information Report on 18.05.2015 and it is impugned herein contending as the value is only under Section 161 Cr.P.C. but not of 154 Cr.P.C.

4. In view of the above, the Criminal Petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned and file an application, with an affidavit of surrender, for the regular bail before the special judge concerned with a notice to the special Public Prosecutor and in such an event after hearing, the learned Special Judge shall grant bail preferably on the same day with necessary

conditions. Needless to say at the post-bail stage, pending investigation, their presence before the Court can be dispensed with. The petitioners are at liberty to file any material in their favour before the investigating officer to consider as part of investigation. Any further remedy is left open in the event of police filing final report taking cognizance by the learned Magistrate.

5. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:17.07.2015

Vvr.