

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15185 OF 2016

ORDER:

This Criminal Petition is filed to quash the proceedings in Crime No.63 of 2016 of Duvvuru Police Station, YSR District, for the offences punishable under Sections 3 (1) (f) (r) (s) of SC, ST (POA) Amendment Act, 2015.

The case of the defacto complainant is that an extent of Ac.1.53 cents in S.No.84/5 of Madirepalli was assigned by Government at about 12 years to her husband in Madirepalli village. One Karapu Reddy Sanjeeva Reddy son of Ramireddy occupied the above land assigned to her husband highhandedly and in this connection, when the complainant along with her sons and Revenue Inspector and V.R.O. and surveyor went to the said land, the petitioners abused the defacto complainant and her sons in filthy language raising their caste name and also abused the revenue officials in filthy language and the petitioners also chased her and her sons for killing them.

The contention of the petitioners before this court is that petitioners are innocent persons and the land assigned to the husband of the defacto complainant was resumed by proceedings dated 20-10-2011 issued by Tahsildar Duvvuru Mandal and later the same was challenged in writ petition in W.P. No.39797 of 2015 which ended in dismissal, directing the petitioners therein to approach appellate authority.

In this view of the matter, defacto complainant was no more owner of the land as per the material available on record. However, the alleged acts would not attract the offences punishable under Sections 3 (1) (f) (r) (s) of SC, ST (POA) Amendment Act, 2015. but abusing the defacto complainant and her sons by raising their caste name would certainly attract the said offences. Therefore, I find no ground to quash the proceedings while exercising jurisdiction under Section 482 of Cr.P.C.

Hence, this Criminal Petition is dismissed.

However, taking into consideration of the facts of the case, I find that it is a fit case to direct the Police of Duvvuru Police Station, YSR District to follow the procedure as contemplated under Section 41-A of Cr.P.C. and also the principle laid down by the Supreme Court in *ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER*¹.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 26-10-2016.

Dvs.

¹ 2014(8) SCALE 250

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Dated 26-10-2016.

Dvs