

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4402 of 2016

ORDER:

This Criminal Petition is filed by the petitioners- accused Nos.1 and 2 seeking to quash the proceedings against them in PRC No.2 of 2016 on the file of the Judicial Magistrate of First Class, Srungavarapukota, Vizianagarm District.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offences punishable under Sections 506 r/w.34 IPC and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is the case of the petitioners that the entire allegation is that the 1st petitioner abused the de facto complainant in the name of his caste over phone and hence, the offence under the Act would not attract, whereas the reading of the statement of LW1 shows that the subsequent to making a phone call by the 1st petitioner abusing him in the name of his caste, the 2nd petitioner and others came to his house and abused him in the name of his caste and the same was witnessed by their neighbor. Therefore, this Court is of the view that the points now raised by the petitioner can be raised during the trial of the case. Hence, this Court is not inclined to quash the proceedings against the petitioners.

Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 30, 2016.
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