

HONOURABLE MRS JUSTICE ANIS

CRIMINAL PETITION No. 14097 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.181 of 2016 on the file of Station House Officer, Police Station, Peddapalli, Karimangar District, registered for the offences punishable under Section 3(1)(s) of SCs and STs (POA) Act, 1989 (Amendment Act, 2015).

Based on the complaint given by the second respondent/defacto complainant against the petitioner, the above crime was registered. It is alleged in the said complaint that the second respondent erected a small wooden kiosk in the land of the petitioner herein for the purpose of running a tiffin centre with the consent of co-parceners of the petitioner and on 16.7.2016 when he was at SBH ADB Bank, Bhoomnagar, Peddapally, the petitioner came there and abused him by touching his caste as to why he has erected wooden Tella in his land.

The learned Counsel for the petitioner submits that the petitioner has not committed any offence; that the petitioner has been falsely implicated in the aforesaid crime and that no ingredients of the provision under Section 3(1)(s) of SCs and STs (POA) Act have been attracted so as to register the case against the petitioner and therefore prayed to quash the aforesaid crime.

On the other hand, the learned Public Prosecutor submits that the police have not yet completed the investigation.

Having heard the learned Counsel on either side and gone through the material available on record, it is obvious that specific allegations were made against the petitioner/Accused in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

However, considering the facts and circumstances of the case, the Criminal Petition is disposed of directing the petitioner to surrender before the concerned Sessions Court and file appropriate application seeking bail. On such surrender and application for bail, the concerned Sessions Court may consider for grant of bail with usual terms and conditions on the same day or next day.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE ANIS

DATED 28TH SEPTEMBER, 2016.
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