

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8945 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.71 of 2010 on the file of the Station House Officer, Mamnoor Police Station, Warangal District, registered for the offences under Sections 3(1)(iv)(v)(viii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act) and Sections 447, 448 and 506 read with 34 IPC.

2. Heard Sri Alluri Raghu Rama Aurava, learned counsel for the petitioners, Sri Kowturu Vinaya Kumar, learned counsel for the second respondent and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are A.1 and A.2 and the second respondent is the *de facto* complainant in Crime No.71 of 2010. As per the allegations made in the complaint, the second respondent is the owner of an extent of Ac.0.32 guntas of land in Survey No.319 of Thimmapur Village, Hanamkonda Mandal of Warangal District. It is further alleged that on 02.07.2010, the petitioners herein have trespassed in to the land of the second respondent and removed the stone-pillars. It is also alleged that the petitioners herein insulted the second respondent in the name of his caste.

4. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case against the petitioners in view of the pendency of the suit in OS No.646 of 2009 on the file of the Principal Senior Civil Judge, Warangal.

5. In view of the civil disputes between the parties, this court is not inclined to express any opinion touching the merits of the case.

Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay on 08.09.2010. Having regard to the facts and circumstances of the case and in view of the earlier order of this court dated 08.09.2010, the Station House Officer, Mamnoor Police Station is directed not to arrest the petitioners/A.1 and A.2 till the completion of the investigation.

7. With the above direction, the criminal case is dismissed. Miscellaneous petitions, pending if any, shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 23.02.2016
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HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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23

CRIMINAL PETITION No.8945 of 2010

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- [\[1\]](#) AIR 1960 SC 866
 - [\[2\]](#) AIR 1992 SC 604
 - [\[3\]](#) (2009) 3 SCC 78
 - [\[4\]](#) 2015 (1) ACR 564 (SC)