

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.1095 of 2010

ORDER:

Petitioner-accused filed this petition under Section 482 of Criminal Procedure Code seeking quashing of the proceedings initiated against him in P.R.C.No.3 of 2010 on the file of the III- Additional Judicial Magistrate of First Class, Rajahmundry.

It is the case of the prosecution that the petitioner-accused was working as Radiographer and the 2nd respondent-*de facto complainant* (since died) was working as Radiologist in the District Hospital, Rajahmundry. On 28.07.2009 there was an altercation between the 2nd respondent-*de facto complainant* and the petitioner-accused in connection with a medico legal case and that the petitioner-accused abused the 2nd respondent in the name of his caste. On a complaint given by the 2nd respondent, a case in Crime No.229 of 2009 was registered against the accused by the Sub Inspector of Police, III-Town Law and Order Police Station, Rajahmundry for the offence punishable under Section 3 (1) (x) of S.Cs. and S.Ts. (Prevention of Atrocities) Act 1989. Eventually, after completion of investigation, a charge sheet was laid under the aforesaid offence against the petitioner-accused by the Sub Divisional Police Officer, Rajahmundry in the Court of the III-Additional

Judicial Magistrate of First Class, Rajahmundry.

Learned Counsel for the petitioner-accused submitted that the 2nd respondent filed the present complaint against the petitioner with false and frivolous allegations and that the petitioner has not committed any offence. He further submitted that after this incident the 2nd respondent-*de facto complainant* died and, therefore, continuation of proceedings against the petitioner will not yield any result. He further submitted that as many as 12 witnesses have been examined during the course of investigation and none of them spoke about the alleged incident.

I have gone through the material available on record. During the pendency of the proceedings, the 2nd respondent-*de facto complainant* died. A plain reading of the statements of the witnesses would reveal that the petitioner-accused has not committed any offence and that he has not abused the 2nd respondent-*de facto complainant* (since died) in the name of his caste. Therefore, I am of the considered view that continuance of proceedings initiated against the petitioner-accused are nothing but an abuse of process of law and are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioner-accused in

P.R.C.No.3 of 2010 on the file of the III-Additional Judicial Magistrate of First Class, Rajahmundry are hereby quashed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

29-01-2016
Gsn