

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7665 OF 2015

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioners/A1 and A2 seeking to quash the proceedings in crime No.804 of 2015 of Banjara Hills Police Station, registered for the offence punishable under Section 3(i)(x) of SCs/STs (POA) Act, 1989 (for short 'the Act').

Heard the learned counsel for the petitioners and the learned counsel for respondents.

One of the main contentions of the learned counsel for the petitioners is that there are no ingredients of public view to attract the offence under Section 3(i)(x) of the Act from a reading of the said written report in Telugu dated 15.07.2015. In fact, a perusal of the report, there is nothing to say any independent persons witnessed and there is any public view. Once such is the case, the provisions of Section 3(i)(x) of the Act have no application but for any other penal sections under which if at all a crime to be registered for any beating under Section 323 I.P.C or for any offence of criminal intimidation under Section 506 I.P.C., which is non-cognizable offence without any cognizable offence won't survive. Needless to say, any

such police report can be given afresh for action.

In view of the above, the Criminal Petition is allowed by quashing the proceedings in crime No.804 of 2015 of Banjara Hills Police Station.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 27-01-2016

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