

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15450 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in Cr.No.153 of 2016 on the file of Basheerabad P.S for the offences under Sections 323, 504 r/w 34 IPC and Section 3 (1) (s), 3(2) (va) of SCs and STs (POA) Amendment Act, 2015, on the ground that the present complaint was lodged by respondent No.2 as a counter blast for the complaint registered in Cr.No. 128 of 2016 dt. 29.07.2016.

2. The *de facto* complainant claiming to be a member of Scheduled Caste made certain allegations against the petitioner/accused i.e., abusing him in filthy language raising his caste name and causing injuries on his body in public place. The question whether it is a counter blast against the petitioner for the alleged Crime No.128 of 2016 for the offences under Sections 354(D), 509, 506 r/w 511 IPC is to be decided after full fledged trial, but not at this stage. Therefore, the allegations made in the complaint, on its face value, would constitute offences punishable under Sections 323, 504 r/w 34 IPC and Section 3 (1) (s), 3(2) (va) of SCs and STs (POA) Amendment Act, 2015. However, the Police are directed to follow the procedure contemplated under Section 41-A of Cr.P.C. and guidelines issued by the Apex Court in **Arnesh Kumar v. State of Bihar and another**¹.

¹ 2014(8) SCALE 250

3. With the above direction, this Criminal Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Dt: 07-11-2016

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