

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2132 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in P.R.C.No.2 of 2016 on file of Additional Junior Civil Judge, Sullurpet, SPSR Nellore District, arising out of a private complaint filed by the 2nd respondent/de facto complaint for the offences punishable under Sections 3 (i) (x) and (xv) of the Scheduled Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989 and Sections 452 and 506 IPC.

Heard and perused the material on record.

A perusal of the material on record reveals that on a private complaint being made by the 2nd respondent/de facto complainant to the concerned Court, the same was referred under Section 156 (3) Cr.P.C. to the concerned police for investigation and report and on such reference, the concerned police registered the same as Crime No.264 of 2014 for the offences punishable under Section 452, 506 & Section 3(1) (x) (xv) of SC ST (POA) Act. The police, after completion of investigation into the crime, filed the final report treating the case as "FALSE". Aggrieved by the final report, the 2nd respondent/de facto complainant filed a protest petition before the Court on which the learned Magistrate has taken cognizance and issued NBW against the petitioner/accused. Challenging the same, the present petition is filed invoking the provisions of Section 482 Cr.P.C.

Having regard to the facts and circumstances of the case and in view of the fact that NBW issued against the petitioner is

pending, this Court is not inclined to interfere with the proceedings against the petitioner. The truth or otherwise of the allegations made in the complaint can be determined only after full-fledged trial.

However, considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, the petitioner/accused is directed to appear before the concerned Court and an application under Section 70 (2) Cr.P.C. to recall NBW issued against him and on such application being made, the concerned Court shall consider the same on the same day and pass appropriate orders thereon in accordance with law. The petitioner/ accused is further directed to appear before the committal Court on the date of committal and also to appear before the trial Court to which the matter is committed. If the petitioner/accused wants to dispense with his presence before the trial Court, he is at liberty to file appropriate application invoking Section 205 Cr.P.C., and the same shall be considered by the trial Court on the same day in accordance with law.

With the above directions, the Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

RAJA ELANGO, J

Date: 22-02-2016

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