

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.13821 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C seeking to quash the proceedings in crime No.169 of 2016 of Mangalagiri Town Police Station, Guntur District, registered for the offence punishable under Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the Act'). The petitioners herein are the accused and the 2<sup>nd</sup> respondent herein is the *de facto* complainant.

The contentions in the petition to quash the F.I.R. is mainly that the said provisions of the amended Act Section 3(i)(r)(s) have no application to the facts of the case and even from reading of the very report, the so called abuses are within the private place, apart from no public view for nothing mentioned of it was the alleged intentional insult or abuse in public view and thereby the F.I.R. is liable to be quashed.

Whereas, it is the submission of the learned Public Prosecutor representing the State that the crime is pending for investigation and it is premature to quash the proceedings apart from no notice to the *de facto* complainant.

Heard and perused the material on record.

In view of the fact that there is no notice even to the *de facto* complainant herein to entertain the quash petition but for the fact that from the reading of the F.I.R. and from the amended provision of Section 3(i)(r) speaks there must be an intentional insult or intimidation with an intent to humiliate in a public view and so far as Section 3(i)(s) of the Act concerned, there must be abuse of any Scheduled Caste or Scheduled Tribe by caste name in public view and from the report there is nothing mentions of anything happened in public view, thereby, it is a fit case for disposing of the application while giving liberty to the petitioners to surrender before the learned Magistrate concerned with affidavit of said surrender on the self same day move for regular bail application before the learned Special Judge, Guntur, with notice to the Public Prosecutor concerned and in such an event, the learned Special Judge shall dispose of the application granting bail with necessary conditions, preferably on the same day.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date: 28-09-2016  
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