

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2029 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings in S.C.No.47 of 2014 on the file of the Special Sessions Judge under SCs & STs (POA) Act, 1989-cum-Additional District & Sessions Judge, Ranga Reddy District.

The petitioner is alleged to have committed the offence punishable under Sections 3 (1)(x) of the SCs & STs (POA) Act. It is alleged that L.W.4, who is running a tiffin centre, took loan from the petitioner and L.W.2, who is the husband of the de facto complainant- L.W.1, stood as surety. The petitioner obtained blank signed papers and promissory notes from L.W.2 and L.W.4. After return of the amount, L.Ws.2 and 4 asked for return of the papers, for which, the petitioner refused. On 21.6.2012 at about 9.30 p.m., the petitioner went to the house of L.W.1 while she was alone and abused her in the name of her caste and threatened her.

The learned Counsel for the petitioner raised the following points for consideration:

- (i) As P.W.2-husband of the de facto complainant failed to discharge the amount due to the petitioner, the petitioner filed a civil suit and obtained decree and filed E.P. and therefore, L.W.2 hatched up a plan and got filed the present criminal case to avoid the decretal amount;
- (ii) L.W.4 filed a false criminal case against the petitioner and the same was dismissed and this case is also false;
- (iii) L.W.4, who is one of the witnesses in the above crime, filed another criminal case against the petitioner and the same was questioned by the petitioner and obtained interim stay.
- (iv) E.Ps are pending against L.Ws.2 and 4 in connection with the recovery of money from them and therefore, the discharge of debt out of Court does not arise.

The truth or otherwise of the said grounds and the malafide intention if any on the part of the de facto complainant and L.Ws.2 and 4 in filing

the above criminal case, can be decided by the trial Court after full fledged trial. The petitioner could not be able to make out sufficient grounds to quash the proceedings and therefore, this Court is not inclined to interfere with the proceedings in the above case.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 18.2.2016

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DATED 18.2.2016

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