

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2249 of 2013

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/A1 seeks to quash the proceedings in Crime No.24 of 2013 of Pargi Police Station, Ranga Reddy District.

2) On the report given by respondent No.2/*defacto* complainant, the police of Pargi P.S registered a case in Crime No.24 of 2013 against A.1 and A.2 for the offences under Section 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act") and Section 447 IPC.

3) The allegations are that the complainant belongs to Scheduled Caste (Madiga) and he is recorded as pattadar for an extent of land in Sy.No.14 admeasuring Ac.1-32 gts of Pargi Village and the said land belonged to his ancestors. Out of the said land, 216 sq.yds each totaling 432 sq.yds was sold by his elders to A.1 and A.2 but they grabbed 600 sq.yds of land and constructed houses. When the complainant questioned them as to why they encroached into his land, then they warned him that he cannot do anything to them and abused him in the name of his caste. Hence the complaint.

The instant petition is filed by petitioner/A.1.

4) Heard both sides.

5) Denying the FIR allegations as false, learned counsel for petitioner/A.1 would seek for quashing the FIR mainly on two grounds:

a) Firstly, that in the FIR it is not clearly mentioned as to whether the alleged offence has taken place within the “public view” which is the prime requisite for attracting the offence under Sec.3(1) (x) of the Act.

b) Secondly, he would argue that a false case is foisted against the petitioner/A.1 for the reason that the petitioner and his minor son filed O.S.No.41 of 2010 before the Junior Civil Judge Court, Pargi for perpetual injunction against the complainant and some others and obtained interim injunction. He thus prayed to allow the petition.

6) Learned Public Prosecutor opposed the petition mainly on the submission that the FIR is not be-all and end-all of the facts relating to the case and though it was not specifically mentioned that the offence was occurred within the public view, the contents in the FIR will connote such a meaning and at any rate, whether the ingredients of the offence were satisfied or not has to be determined only after a full-fledged investigation and therefore, it is not apt to stifle the investigation at the threshold.

7) In the light of above rival arguments, the point for determination is:

“Whether there are merits in this Petition to allow?”

8) **POINT**: I find force in the submission of learned Public Prosecutor. Whether the offence has taken place within the public view as per Section 3(1) (x) of the Act or not can be known only after a full-fledged investigation and if the ingredients of the offence are not satisfied as contended, the police would file proper report before the concerned Court but that aspect cannot be decided at this stage in this petition. Since the FIR otherwise reveals a *prima facie* case, it is not apt to smother the investigation at the inceptional stage.

9) In the result, this Criminal Petition is dismissed and the police are directed to complete the investigation expeditiously.

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

U. DURGA PRASAD RAO, J

Date: 05.08.2016

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