

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.15314 OF 2016

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in Crime No.317 of 2016 on the file of Balanagar Police Station, Ranga Reddy District for the offence punishable under Section 3(1)(s) of SC/ST POA Act, 2015.

The case of the prosecution is that the defacto complainant gave a complaint to the police alleging that the petitioner abused him by raising his caste name, besides making several allegations. It appears from the contents of the report that there were financial dealings between the petitioner and the defacto complainant and when the petitioner demanded for repayment of money, a dispute arose and in the said dispute, it appears that the petitioner allegedly abused the defacto complainant by raising his caste name. However, the allegations made in the complaint would constitute an offence if proved on its face value.

The main apprehension of the petitioner is that, he will be taken into custody by the police, since there is no provision for pre-arrest in SC/ST POA Act and it is difficult for him to manage his business in the event of his arrest. The petitioner denied the alleged allegations levelled against him and contended that the allegations are false. However, the falsity or truth of the allegations cannot be decided at this stage.

Hence, the police are directed to follow the guidelines prescribed by the Supreme Court in **Joginder Kumar v. State of U.P and others¹**.

With the above direction, the criminal petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall also stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:27.10.2016
SP

Note: CC by 31.10.2016
b/o
sp



¹ AIR 1994 SC 1349