

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3011 OF 2016

ORDER:

-

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the proceedings against him in Crime No.310 of 2015 on the file of Yellandu Police Station, Khammam District, registered for the offence punishable under Section 3(1)(x) of the SCs & STs (POA) Act.

It is stated that the petitioner is a retired employee and the 2nd respondent is working as Assistant Foreman in Singareni Collieries Company and he is also General Secretary to all India SCs & STs Rights Protection Society and also Vice President of Kothagudem Singareni Collieries company area for SC company Mining and Engineering Workers Union. The petitioner is the Deputy General Secretary of all India Trade Union council. It is alleged that on 17.6.2015, 18.6.2015 and 20.6.2015, the petitioner abused the 2nd respondent and insulted him in the general public.

Learned Counsel for the petitioner submitted that the elections to the Singareni Collieries Workers Union is scheduled to be held in the month of June/July, 2016 and in order to prevent the petitioner from contesting in the elections, the 2nd respondent filed a false case against the petitioner. He further submitted that as the private complaint filed by the 2nd respondent was referred to the police by the learned Magistrate, the above crime was registered and that the learned Magistrate has not followed the judgment of the apex Court while referring the private complaint to the police.

Heard and perused the material available on record.

Considering the facts and circumstances of the case and the allegations made in the complaint, this Court is not inclined to grant the relief sought by the petitioner.

At this stage, the learned Counsel for the petitioner submitted

that due to the pendency of the above crime, the petitioner apprehends arrest and harassment in the hands of the 1st respondent-police.

In view of the above submission, the 1st respondent-police are directed to complete the investigation and file a final report, if any, without arresting the petitioner. In the event of necessity, the 1st respondent-police are directed to issue notice to the petitioner for his appearance before the investigating agency for the purpose of investigation. On issuance of such notice, the petitioner shall appear before the investigating agency and give an undertaking as to his future appearance as and when required by the investigating agency for the purpose of investigation.

With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 9.3.2016

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-

CRIMINAL PETITION No.3011 OF 2016

DATED 9.3.2016

Nn