

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.7420 of 2012

ORDER:

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This petition is filed by the sole accused under Section 482 of Cr.P.C. to quash the proceedings in Crime No.197 of 2012 pending on the file of Mylavaram Police Station registered for the offence under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The de facto complainant is the Secretary to the society of Pulluru PACS. According to the complaint allegations, as per the directions of complainant, on 25.7.2012 there was a public announcement in the village by using mikes in an auto asking farmers to pay the loan amounts obtained from the society. At about 6.00 p.m., when the person who was canvassing in the auto was returning to the society office, on the way, the accused stopped the auto, enquired him as to who ordered for such an announcement. When the auto person informed that the sale officer asked to make announcement, the accused abused saying:

“society secretary ‘Malodu’ came to my house, asked me several times to pay total loan amount, that the said Madigodu has no sense, even though I scolded him several times not to come to my house and inspite of that, the Madiganakoduku has sent notice through post.....How dare, the Madiga secretary, the president and the son of this Madigodu, the sale officer to announce my name in mike.....”

Immediately, the said auto person approached the complainant and informed him as to what had happened. On the said information, the present complaint was lodged by the complainant being the Secretary of the Society.

Heard and perused the material available on record.

It is clear from the allegations in the complaint that the petitioner herein informed the person, who was canvassing in the auto for recovery of loan

amount on behalf of the Society that how dare the complainant who belongs to Madiga community to order for canvassing to take action against him. Admittedly, the petitioner has not insulted the complainant in the presence of others that too in the presence of the de facto complainant. Even if the entire complaint allegations are taken to be true, the ingredients to constitute the offence under Section 3(1)(x) of the Act does not attract. Hence, the impugned proceedings as against the petitioner herein are liable to be quashed.

In the result, the Criminal Petition is allowed and the impugned proceedings in Crime No.197 of 2012 pending on the file of Mylavaram Police Station are hereby quashed as against the petitioner herein.

Pending Miscellaneous petitions, if any, shall stand closed.

04.08.20126
Tsr

RAJA ELANGO,J