

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No. 211 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973, requesting to call for the entire records in SC.ST. Sessions Case No.03 of 2013 on the file of the Special Judge for trial of cases under SCs and STs (POA) Act-cum-VIII Additional District Judge, West Godavari, Eluru, and quash the same as abuse of process of law.

Heard Sri Rama Murthy PVSA, learned counsel for the petitioners and learned Public Prosecutor for the State of Andhra Pradesh.

The submission of the learned counsel for the petitioners is that the matter relates to immovable properties and even civil disputes are pending between the parties and the relevant details have been given in para 5 of the present petition referring to the suit number as well as the Interlocutory Application number and that only to harass the petitioners, who are arraigned as A.1 to A.5, the deceased *de facto* complainant filed a false complaint against them.

It is also his submission that earlier, the police have filed a final report requesting the Court to treat it as a false case and thereafter, on protest petition being filed by the *de facto* complainant, the PRC was registered and committal order was passed and the case was registered as SC.ST. Sessions Case No.03 of 2013.

As could be seen from the summons issued by the Special Judge, the first petitioner was required to appear before the Court below on 22.03.2013 and the said order was passed on 29.01.2013. Thus, it is clear that the Sessions Case has been pending even from the Year 2013. It is no doubt true that the second respondent, who is the *de facto* complainant, is shown to be no more and that his death had taken place on 13.12.2012.

In view of the fact that the protest petition was entertained and committal order was also passed by application of mind and even the same was registered as SC.ST. Sessions Case No.03 of 2013, I see no ground to accede to the request of the petitioners to quash the proceedings in the said SC.ST. Sessions Case.

The Criminal Petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

A. SHANKAR NARAYANA, J

Date: 17.01.2017

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