

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1413 OF 2017

ORDER:

Requesting to quash the First Information Report in Crime No.107 of 2016 of Dhone Rural Police Station, Kurnool District, the present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code').

2. The offences alleged against the petitioner are punishable under Section 506 IPC and Section 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Heard Sri P.M. Mithileshwara Reddy, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The submission of the learned counsel for the petitioner is that the petitioner is falsely implicated and a glance at the complaint would clearly demonstrate the same. It is his submission that it is highly improbable that the *de facto* complainant, respondent No.2 herein, along with others while coming back to their house having got down from the train would stop the petitioner while he was proceeding on his motorcycle and ask him that the land which they intended to purchase, the petitioner had given advance and asked him to take back the advance, on which, the petitioner alleged to have

abused him by taking the name of his caste. The learned counsel would submit that due to political rivalry, the petitioner is falsely implicated.

5. The learned Additional Public Prosecutor resisted the request and referring to the complaint, the version given by the *de facto* complainant cannot be disbelieved.

6. Though, the submission made by the learned counsel for the petitioner appears to be impressive, but, when the complaint, on an examination, would disclose the commission of a cognizable offence and the abusive phrases alleged to have uttered by the petitioner are also mentioned. Therefore, it is difficult at the inceptive stage to hold that the complaint is vexatious or due to so-called political rivalry, the *de facto* complainant foisted a false case against the petitioner. It is a case for proceeding with investigation.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 27, 2017.

Mgr