

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.941 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash the First Information Report No.30 of 2017 of Karimnagar I Town Police Station, Karimnagar District.

2. The petitioner is alleged to have committed the offences punishable under Sections 420 and 506 IPC and Section 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Sri N. Hari Prasad, learned counsel for the petitioner, and the learned Additional Public Prosecutor appearing for the State of Telangana.

4. The learned counsel for the petitioner would submit that only to coerce the petitioner, the *de facto* complainant, who is respondent No.2 herein, by misusing his caste, lodged the aforesaid complaint with an intention to see that the petitioner takes back the Ashok Leyland Lorry bearing registration No.AP 15TB 9532, which the *de facto* complainant purchased and even taken finance from M/s. Srirama Motor Finance, and when they insisted him to pay the installments, he rushed to the petitioner to return the vehicle, requesting to take back the vehicle, which, the petitioner refused.

Thus, the learned counsel would submit that the main ingredient of “public view” is completely absent in the present case, and that itself is sufficient to quash the proceedings.

5. The learned Additional Public Prosecutor would resist the request contending that there is a clear abusive phrase or the language employed by the petitioner against the *de facto* complainant being mentioned in the complaint. Therefore, it is not a case to quash the FIR. It is also submitted by the learned Additional Public Prosecutor that the petitioner is, in fact, absconding and filed the present petition.

6. A perusal of the complaint, even at this stage, clearly shows *prima facie* allegations to go on with the investigation. The so-called false motive attributed to the *de facto* complainant by the petitioner is difficult to examine and roving enquiry is not *sine qua non* and, therefore, it is a fit case, where investigation requires to be done. The submission as to whether the incident did occur in a public view or otherwise can only be examined when evidences are collected by the Investigating Officer.

Therefore, the present Criminal Petition is dismissed at the stage of admission itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand disposed of.

A. SHANKAR NARAYANA, J

February 13, 2017.

Mgr