

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION NO.6607 OF 2011

% 13.10.2017

Gattu Mahesh & another

...Petitioners

VERSUS

\$ The State of A.P., Rep.by its Public Prosecutor,
High Court of A.P., Hyderabad and another

...Respondents

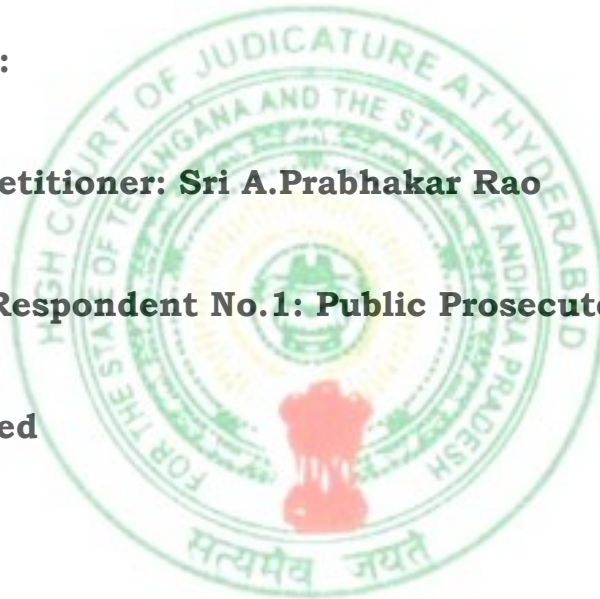
< **GIST:**

> **HEAD NOTE:**

!Counsel for Petitioner: Sri A.Prabhakar Rao

^Counsel for Respondent No.1: Public Prosecutor

? Cases referred



THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION NO.6607 OF 2011

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code to quash the proceedings in P.R.C. No.31 of 2010 arising out of Crime No.243 of 2009 on the file of the Court of Judicial Magistrate of First Class, Sircilla, Karimnagar District, registered for the offences punishable under Sections 323, 506 IPC, read with Section 3(1)(x) of SC, ST (POA) Act, 1989.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent State.

3. The second respondent is the complainant and the petitioners are accused Nos.1 and 2. The petitioners earlier filed CrI.P.No.6850 of 2009 seeking to quash the proceedings in Crime No.243 of 2009 of Sircilla Police Station and the same was disposed of by this Court on 20-11-2009 directing the police not to effect arrest of the petitioners till completion of investigation. Now, the investigation has been completed and charge sheet is filed.

4. As seen from the complaint and charge sheet, nowhere it is mentioned that the complainant and the accused persons have acquaintance and the accused know the complainant by his caste. On 22-08-2009 at about 9.00 AM., while the complainant was collecting tax from the petty vendors in the market, he found some persons selling leaves and ginger in front of the shop of the accused

persons were quarreling with the accused and when the complainant intervened to stop the quarrel, both the brothers attacked the complainant and abused him by taking his caste name and also threatened to kill him by spending money.

5. The crucial witnesses who witnessed the incident are the vegetable vendors and they were not examined as witnesses and the witnesses who were not present at the scene of offence have been shown in the list of witnesses. In view of the absence of any evidence, the allegations attracting the ingredients of Section 3(1)(x) of SC, ST (POA) Act, 1989 are treated to be vitiated.

6. In so far as the allegations against the petitioners under Sections 323 and 506 IPC., are concerned, the complainant has been treated by the Doctor-Lw.6 and he opined that the injuries are simple in nature.

7. Accordingly, the Criminal Petition is allowed in part and the proceedings in P.R.C. No.31 of 2010 arising out of Crime No.243 of 2009 on the file of the Court of Judicial Magistrate of First Class, Sircilla, Karimnagar District, registered for the offence punishable under Section 3(1)(x) of SC, ST (POA) Act, 1989 are quashed and the proceedings for the offences punishable under Sections 323 and 506 IPC shall go on before the competent Court. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 13-10-2017
Shr