THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8634 of 2017

ORDER:

In this petition filed under Section 482 Cr.P.C, petitioner/accused seeks quashment of proceedings against him in Crime No. 175 of 2017 of Narsampet Town, District Warangal Commissionerate, which was registered for the offences under Sections 3(1)®(s), 3 (2) (Va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The de-facto complainant's case is that he is working as Conductor and once he had some differences with the driver Raju which was amicably resolved and thereafter the accused who is the friend of Raju raised the dispute with the complainant and on 13.7.2017 when the complainant was attending the duty and when he approached the entrance of the bus depot, the accused accosted him and keeping the old disputes in mind, called the complainant and abused him in the name of his caste and threatened him. The said incident was witnessed by some of the colleagues of the complainant. Hence, the complaint.

The investigation is reported to be pending.

Denying the complaint allegations, learned counsel appearing for petitioner would seek for quashment on the ground that due to old grudges a false complaint is filed against the petitioner and he is innocent.

Learned Public Prosecutor opposed the petition.

As can be seen from the 161 Cr.P.C statements of M. Srinivas, M. Rajitha, D. Pushpa Leela and N. Mahender who have witnessed the incident would throw strong

prima facie case against accused. Of course, the veracity of their statements has to be determined during the course of trial.

As the matter stands, there is a strong prima facie case against the petitioner as revealed by the CD file. In that view of the matter, there are no merits in the Criminal Petition and accordingly, the Criminal Petition is dismissed. However, having regard to the fact that the petitioner is an employee and the nature of the offences would show that Section 41-A Cr.P.C is applicable, and also having regard to the judgment of the Apex Court in **Arnesh Kumar v. State of Bihar**[1]**,** the Investigating Officer is directed to follow the procedure contemplated under Section 41-A Cr.P.C during the course of investigation.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 19.09.2017
KA
Note: Furnish copy today.

[1] (2014) 8 SCC 273