

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.944 of 2017

ORDER :

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') requesting to quash the proceedings in S.C.No.31 of 2015 on the file of the Special Judge for trial of cases under S.Cs. and S.Ts. (POA) Act, Mahabubnagar.

2. The petitioners are arraigned as A.1 and A.4 to A.15 in the said Sessions Case and they alleged to have committed the offences punishable under Sections 3(1)(x) and 3(2)(III) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Sri K. Venkatesh Gupta, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners would mainly submit that earlier, Crime No.118 of 2010 was registered against the *de facto* complainant/2nd respondent herein alleging that he drove the vehicle rashly and negligently and dashed against the father of the 11th petitioner/A.13. Though, initially crime was registered under Section 337 IPC, later it was altered to Section 304-A IPC in view of the death of the injured. As a counter blast, the present complaint is filed.

5. No doubt, the learned counsel made an attempt to plead innocence and false implication of as many as 13 accused in the present petition out of 15. But, when the petitioners' case is that the

other crime which was registered as C.C.No.258 of 2015 is also pending, certainly, it cannot be said that the prosecution of the petitioners by the de facto complainant is nothing but an abuse of process of law, more particularly, when the Sessions Case No.31 of 2015 is coming up for trial before the Special Judge for trial of cases under SCs and STs (POA) Act, Mahabubnagar. It is open to the petitioners herein to confront the defence intended to take to the prosecution witnesses. It is not a fit case to exercise the power under Section 482 Cr.P.C. to quash the proceedings.

6. Accordingly, the criminal petition is dismissed at admission stage.

7. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

6th February 2017.

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