

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2591 OF 2017

ORDER:

The present petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to quash the First Information Report in Crime No.69 of 2017 of Neredmet Police Station.

2. The petitioners are arraigned as accused Nos.1 & 2. They alleged to have committed the offences punishable under Sections 354B, 323, 506 read with Section 34 of I.P.C. and Section 3 (1) (e) (r) (s) and (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015.

3. Heard Smt. K.Sujatha, learned counsel for the petitioners, and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioner would plead innocence and false implication of the petitioners. According to the learned counsel, that only to wreak vengeance, since the mother of the 1st petitioner, Smt. Vimala Devi, filed a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act against the *de facto* complainant and others, which is registered as C.C. No.88 of 2014 on the file of Special Metropolitan Magistrate, Malkajgiri, and yet another case in C.C. No.113 of 2015 on the file of XX-Metropolitan Magistrate, Malkajgiri, the petitioners are

implicated. Learned counsel would also submit that none of the ingredients of the offences alleged against the petitioners are occurring in the complaint, and, *ex facie*, the complaint does not disclose commission of a cognizable offence by the petitioners. Therefore, the investigation into the aforesaid crime is nothing but abuse of the process of law, and sought to quash the same.

5. The learned Additional Public Prosecutor for the State of Telangana would submit that the complaint allegations would clearly indicate the complicity of the petitioners concerning the offences alleged against them. He has also read out the relevant portions in the complaint, whereas the learned counsel for the petitioners has read out the true translation in vernacular version of the complainant.

6. A perusal of the complaint allegations would, in fact, reveal that when the *de facto* complainant went to the house of the petitioners they have taken the caste name of the *de facto* complainant and abused her and recorded the voice in cell phone and she has also mentioned the abusive phrases, besides mentioning that even the petitioners left their dogs to chase the *de facto* complainant and even her sari was pulled and beat, and then the 2nd petitioner has spoken to the police over phone and there was also threat imposed on her as to how she would attend the Court. Certain other allegations are also occurring in the complaint. Except the complaint no other material is available, of course, private complaint in C.C. No.113 of 2015 is filed and also the complaint in C.C. No.88 of 2014, but it is

too difficult to examine the submissions made by the learned counsel at this stage and, certainly, just basing on the circumstance that two calendar cases have been filed, the present complaint cannot be viewed as abuse of the process of law, as sought to be viewed by the learned counsel for the petitioners, unless investigation is proceeded with to unravel the truth, the first Information Report cannot be quashed as there are *prima facie* allegations to proceed with the investigation.

7. Hence, the Criminal Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the criminal petition shall stand closed.

Dt. 31.03.2017
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A.SHANKAR NARAYANA

