SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2905 of 2011

ORDER:

This criminal petition is filed by the petitioners seeking for quash of the proceedings in Cr.No.28 of 2011 on the file of the Allagadda Town Police Station, Kurnool District.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for respondent No.2. None appears for the first respondent in spite of notice being served.

3. The counsel for the petitioner submits that initially a case was registered only for the offence under Section 307 of the Indian Penal Code and subsequently, Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added. The counsel takes the Court through the contents of the complaint wherein the names of the culprits are not mentioned and it is stated by the complainant that the culprits were unknown. No allegation that the attack was made on the ground that the victim was a person belonging to Scheduled Caste or Scheduled Tribe is made. The counsel also takes the Court through the statement of the victim M. Bhushanam wherein he identifies the culprits and speaks about the attack made, but he does not anywhere state that the attack against him was on the ground that he belonged to SC or ST caste.

4. Section 3(2)(V) of the Act prescribes punishment only if the offence is committed against a person or property on the ground that such person is a member of Scheduled Caste or Scheduled Tribe or such property belongs to such member. Hence, absolutely no offence

attracting the said provision arises out of either the complaint or the statement of the victim. Hence, the proceedings so far as the offence under Section 3(2)(V) of the Act are quashed but the petition stands dismissed with regard to quashment of proceedings for the offence under Section 307 IPC is concerned, as the truth of the allegations in the complaint have to be brought out only after due trial.

With the above observations, the criminal petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

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T. RAJANI, J

November 6, 2017
DSK