

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.810 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') to quash the First Information Report in Crime No.33 of 2017 of Sircilla Police Station.

2. The sole petitioner is arraigned as accused in the aforesaid crime. He alleged to have committed the offence punishable under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Heard Sri Parsa Ananth Nageswar Rao, learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State of Telangana.

4. The learned counsel for the petitioner's submission has been that the petitioner is an advocate practicing in Karimnagar Courts and he is falsely implicated in the present crime. It is, according to him, at the instance of persons, who are inimically disposed towards the petitioner, he is falsely implicated.

i) The learned counsel would submit that the *de facto* complainant, who is respondent No.2, since did not perform her part of contract, a notice was got issued by the petitioner to respondent

No.2 on 20.12.2016 which was received by her on 21.12.2016 and that respondent No.2 also got issued a notice to him. It is, therefore, his submission that the *de facto* complainant having committed breach of terms with a view to coerce the petitioner filed a false complaint levelling incorrect allegations.

ii) It is also the submission of the petitioner that even going to the extreme, still, there is no public view which is the main ingredient to clutch the offence under the Special Act.

5. The learned Additional Public Prosecutor would submit that complaint is dated 18.01.2017 and the complaint averments are clear to show that on 16.01.2017 at about 11.00 a.m. when the *de facto* complainant along with her brother and his friends Erra Ramesh, Penta Banaiah and Badineni Mahipal Reddy accompanied by her approached the petitioner and questioned him as to why he sent notice, threatening that she brought several persons, used abusive phrases taking her caste name and, therefore, the complaint, *ex facie*, contains the allegations *prima facie* showing the complicity in the commission of the alleged offence.

i) He would further submit that, though, the incident occurred at the house of the petitioner, but the very fact that the *de facto* complainant's brother and three others whose names have been shown in the complaint were present when the abusive language was used

taking the caste name of the petitioner, it cannot be said that the incident did not occur in public view; hence to reject the request.

6. When looked at the copies of the notices, the notice got issued by the *de facto* complainant is said to be dated 20.12.2016, whereas the notice got issued by the petitioner is also dated 20.12.2016. Be that as it may, when the complaint contains specific allegation with regard to the abusive language alleged to have used by the petitioner in the presence of brother of the *de facto* complainant and three persons, who said to have accompanied them, it cannot be said that there are no allegations making out a *prima facie* case to proceed with the investigation.

Therefore, the present Criminal Petition is dismissed at the stage of admission itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand disposed of.

A. SHANKAR NARAYANA, J

February 13, 2017.

Mgr