

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.976 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 Crime No.45 of 2017 of Jawaharnagar Police Station, Rachakonda.

2. The petitioner herein is arraigned as A.4 and he along with other accused alleged to have committed the offences punishable under Sections 448, 324 and 506 IPC and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act No.1 of 2016).

3. Heard Sri K. Ravikanth, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioner would submit that a false case is foisted against the petitioner and the complaint was lodged by a constable, who is said to be the brother of the victim. Even if the allegations levelled against the petitioner are given credence, without admitting, still the offences are said to have been taken place inside the house, the petitioner, therefore, does not satisfy the requirement of public view as contemplated by the provisions of the Special Act.

5. Learned Additional Public Prosecutor would resist the request after reading out the contents of the complaint.

6. So far as the allegations of abusing in the name of the caste and attacking the victim are concerned, there is a clear mention in the

complaint about the overt acts of the petitioner. So far as public view is concerned, the same can be examined by the investigating agency while collecting the evidence. It is not a case, where it cannot be construed as vexatious complaint or abuse of process of law.

7. Hence, the criminal petition is dismissed at admission stage.
8. Miscellaneous petitions pending, if any, shall stand dismissed.

A. SHANKAR NARAYANA, J

7th February 2017.

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