

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.6824 of 2017

ORDER :

Heard the learned counsel for the petitioner/ accused of Cr.No.192 of 2017 of Alipiri Police Station, Tirupati Urban, for the offence u/ sec.506 and 3(1)(x) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, (for short, 'the Act') from the report of the 2nd respondent/ defacto-complainant, dt.28.06.2017 and also heard the learned counsel for the 2nd respondent and the learned Public Prosecutor for the 1st respondent and perused the interim order passed by this Court,dt.07.08.2017 and the grounds urged in the quash petition and the contents of the First Information Report.

On perusal of the above, there is no dispute on the contents of the copy of the FIR filed by the accused from the learned counsel for the defacto-complainant in registration of the crime and the contents therein and perusal of the contents no way make out any offence u/ sec.3(1) of the Act, by virtue of the amended Act 2015, it is Section 3(1) ® or (s) that applies provided there is any public view for registration of the offence u/ sec.3(1) (x) or even from 3(1) ® or (s) of the Act for no sustainability but for if at all from the offence u/ sec.506IPC mentioned from the allegations in the report, that is covered by the schedule of the Act which says Section 3(2)(va) of the Amended Act applies. Thereby it is left open if at all for including the same by the police during investigation by filing a memo. Needless to say the petitioner shall

not be arrested however, it will not prevent the police to secure presence of the petitioner for the purpose of investigation if there is any necessity.

In the result, the Criminal Petition is partly allowed. Consequently, miscellaneous petitions, if any pending shall stand closed.

Date:25.10.2017
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Dr. B.SIVA SANKARA RAO J,

