

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.388 OF 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioner-Accused, viz., Korada Venkat Rao @ Srinu, seeking quashment of the proceedings in Crime No.305 of 2016 of Kovvur Town Police Station, West Godavari District.

Heard Sri Mangena Sree Rama Rao, learned counsel for the petitioner, and the learned Additional Public Prosecutor for the State of Andhra Pradesh appearing for the 1st respondent.

Learned counsel for the petitioner draws the attention of this Court to the complaint given by the defacto-complainant, who is shown as the 2nd respondent in the present petition. It is his submission that the subject crime requires to be quashed for two reasons, the first being no allegation worth the name was made to attract the offence under Section 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which is introduced by way of recent Amendment Act of 2015, and the 2nd reason being the complainant has not disclosed that the alleged offence has taken place in a public place.

Learned Additional Public Prosecutor for the State of Andhra Pradesh would resist the request of the petitioner on the ground that

this is not the stage where the contention of the learned counsel for the petitioner can be examined.

Perused the complaint lodged by the 2nd respondent. In paragraph 2 of the complaint, there has been specific mention about what has been uttered by the petitioner and, in the third sentence of the said paragraph, even the name of the caste of the petitioner is taken. The submission as to whether the alleged offence has taken place in public place or at the residence of the petitioner, which cannot be construed as a public place or otherwise, can only be examined during the course of investigation, but not at this stage in the present petition. Therefore, the present petition cannot be maintained.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself. Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

January 23, 2017.

v v