

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.1829 OF 2017**

**ORDER:**

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed requesting to quash the First Information Report in Crime No.365 of 2016 of Narayanpet Police Station, Mahabubnagar District.

2. The petitioners are arraigned as accused Nos.7, 9, 11, 13 to 16, 18, 20 and 21 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 147, 148, 324 and 506 read with 149 I.P.C. and Sections 3 (1) (r) and 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015.

3. Heard Sri Raja Gopallavan Tayi, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana.

4. The main submission of the learned counsel for petitioners is that so far as abusive phrases alleged to have uttered by the petitioners are concerned, the complaint is absolutely not clear as to who hurled the said abuses. The second submission is that the *de facto* complainant has not only mentioned the names of 22 persons, but also stated that ten more are involved and, therefore, proceedings in the

present First Information Report are liable to be quashed, so far as the present petitioners are concerned.

5. Learned Additional Public Prosecutor would resist the request on the ground that Section 149 I.P.C. is also clutched, since the *de facto* complainant was attacked by iron rods and sticks causing injuries to him.

6. It is true, there is no distinct identity of the accused persons, who alleged to have uttered the abusive phrases, but when Section 149 I.P.C. is tagged and so also, Section 34 I.P.C., certainly, it would be difficult, at this stage, to accede to the request of the petitioners to quash the proceedings in the First Information Report, for the reason it is for the trial Court to decide, when evidence is let in, in arriving at the constitution of unlawful assembly at the time when the incident said to have occurred and the overt acts of each accused of being a member of the unlawful assembly.

7. Hence, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

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**A. SHANKAR NARAYANA, J**

March 09, 2017.  
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