

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2027 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in First Information Report in Crime No.18 of 2017 of Repalle Police Station, Guntur District.

2. Petitioners herein are arraigned as accused Nos.1 to 3 in the aforesaid crime. They alleged to have committed the offences punishable under Sections 420, 376, 493 and 506 read with 34 I.P.C. and Section 3 (1) (r), 3 (1) (s) and 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Amendment) Act, 2015 (for short, 'the Special Act').

3. Heard Sri M. Janardhan Rao, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Andhra Pradesh.

4. The main submission of the learned counsel for petitioners is two fold. Firstly, there has been some sort of acquaintance since 2011 between petitioner No.1 and respondent No.2, but no marriage being performed between them, and the second main submission is that petitioner Nos.2 and 3, who are the parents of petitioner No.1, cannot be construed as having committed any sort of offence alleged against them. It is according to the learned counsel that 'public view', which

expression is contained in Clauses (r) and (s) of Section 3 (1) of the Special Act, is completely absent, even assuming for a moment that the contents in the complaint are true to that extent, without admitting. It is also alleged that when respondent No.2 along with her elders went to the house of the petitioners and questioned the parents of petitioner No.1, who are petitioner Nos.2 and 3, they alleged to have taken only the caste of respondent No.1, but have not uttered abusive phrases.

5. On a careful perusal of the complaint, it cannot be said that there are no *prima facie* allegations against the petitioners, more particularly, when viewed in the context of Clauses (r) and (s) of Section 3 (1) of the Special Act and so far as whether the expression 'public view' gets satisfied is concerned, it is a question of fact, which has to be dealt with either during investigation or when trial takes place. Therefore, it is not a case where abuse of the process of law can be viewed.

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

A. SHANKAR NARAYANA, J

March 14, 2017.
MD