

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9647 OF 2017

ORDER:

Heard learned counsel for the petitioners/A1 to A6 of Crime No.74 of 2017 of Chandralapadu P.S., Krishna District, registered for the offences punishable under Section 323 r/w 34 IPC and Sections 3(1)(s) and 3(2)(v)(a) of SC/ST POA Amended Act, 2015 and also heard the learned public prosecutor, representing the 1st respondent – State, before ordering notice to respondents 1 to 6.

2. Perused the contents of the very report of the defacto complainant of the alleged occurrence dated 02.10.2017, given report on 04.10.2017, in registering the crime supra and the grounds urged in the quash petition.

3. So far as the report contents concerned, as rightly pointed out by the counsel for the petitioners, so far as the alleged abuse touching the caste name with intention concerned, there is no public view either to attract Section 3(1)(r) or (s) of the SC/ST POA Amended Act, 2015, but for if at all from Section 323 IPC and even from the submission of the learned public prosecutor at best also applies Section 506 IPC and at best, it is Section 3(2)(v)(a) of the Act that applies.

4. Having regard to the above, though there is nothing to interdict the investigation, there shall be stay of arrest

pending investigation, in relation to other offences other than Section 3(1)(s) and (r) of the SC/ST POA Amended Act.

5. Accordingly, this criminal petition is allowed in part, while quashing the crime for the offence under section 3(1)(r) and (s) of the SC/ST POA Amended Act, retained for the other offences, directing the police to investigate the case, however, pending investigation, not to arrest, though, this order will not prevent the police to secure the presence of the petitioners for said purpose of investigation, as and when required.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

23.10.2017
SS

DR.B.SIVA SANKARA RAO, J

