

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.708 OF 2017

ORDER:

The present Petition is filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in FIR No.2 of 2017 of Nawabpet Police Station, Nawabpet Mandal, Mahaboobnagar District.

2. The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid crime and they alleged to have committed the offences under Section 306 IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

3. Heard Sri Swaroop Oorilla, learned counsel for the petitioners and the learned Additional Public Prosecutor for the State of Telangana.

4. The learned counsel for the petitioners would submit that there is no material worth the name in the complaint, dated 04.01.2017, lodged by the *de facto* complainant, who is respondent No.2 herein, to show that there has been abetment on the part of the petitioners to commit suicide by the *de facto* complainant.

i) The learned counsel has drawn attention of this Court to the contents of the complaint and would submit that the offence under the

provisions of Section 3 (2) (v) of the Act is not made out, and the law declared by the Hon'ble Supreme Court in **Madhavrao Jiwajirao Schindia v. Sambhajirao Chandrojirao Angre¹**, **State of Haryana v. Bhajan Lal²**, **Zandu Pharmaceutical Works Ltd. V. Mohd. Sharaful Haque³**, **Inder Goswami v. State of Uttaranchal⁴**, **Chunduru Siva Ram Krishna v. Peddi Ravindra Babu⁵**, **Devendra v. State of U.P.⁶**, and **Kailashi Bai v.Aarti Arya⁷** is to the effect that if FIR does not disclose commission of any of the alleged offences by the accused, the criminal proceedings are liable to be quashed to prevent abuse of process of law. He also placed reliance on the decisions of the Hon'ble Supreme Court in **Masumsha Hasanasha Musalman v. State of Maharashtra⁸** to the effect that the victim should be a person belonged to Scheduled Castes or Scheduled Tribes to attract the offences punishable under Section 3 (2) (v) of the Act; and **Madan Mohan Singh v. State of Gujarat and another⁹** to the effect that baseless and irrelevant allegations cannot be used as basis for prosecution for serious offences where the offence levelled punishable under Sections 306 and 294 IPC and a quash petition was filed under Section 482 of the Code, but the same was dismissed by

¹. (1988) 1 SCC 692

². 1992 Supp (1) SCC 335

³. (2005) 1 SCC 122

⁴. (2007) 12 SCC 1

⁵. (2009) 11 SCC 203

⁶. (2009) 7 SCC 495

⁷. (2009) 13 SCC 548

⁸. AIR 2000 SC 1876

⁹. (2010) 8 SCC 628

the High Court, and in that context, the Hon'ble Supreme Court made the aforesaid expression.

5. Turning to the facts in the present case, the facts would, *prima facie*, show the allegations levelled against the petitioners for the offence punishable under Section 306 IPC. It requires a thorough probe by an Investigating Agency. So far as the offence under the provisions of the Special Act is concerned, the same also requires probe by the Investigating Agency as it is not in dispute that the deceased belonged to the scheduled tribe. Hence, it cannot be said that there are no *prima facie* allegations to indicate the offences alleged to have committed by the petitioners. The law declared by the Hon'ble Supreme Court in the decisions referred to by the learned counsel would not render any assistance in the facts and circumstances occurring in the present complaint.

Therefore, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

A. SHANKAR NARAYANA, J

February 21, 2017.

Mgr