

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No. 8064 of 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C., for quashing of proceedings in Crime No.102 of 2011 of Puthalapattu Police Station, Chittoor District.

2. On the complaint dated 25.08.2011 given by the 2nd respondent, a case was registered in Crime No.102 of 2011 of Puthalapattu Police Station against the petitioners who are the accused, A1 and A2, for the offences under Section 323, 506, and 34 IPC, and Section 3(i)(x) of the SC/ST (POA) Act.

3. Brief facts of the case are that the 2nd respondent lodged a complaint against the petitioners 1 and 2 alleging that they have scolded the 2nd respondent in his caste name in respect of a monetary transaction between them.

4. Learned counsel for the petitioners submits that the ingredients of the offences alleged against the petitioners are not present in the complaint and, therefore, the proceedings are liable to be quashed against them. It is further submitted that, due to civil disputes, the 2nd respondent has foisted a false case against the petitioners.

5. Learned Public Prosecutor submitted that the allegations made in the complaint, *prima facie*, show that there are ingredients of the offences alleged against the petitioners, and the investigation has been stayed in view of the interim stay granted by this Court earlier.

6. On consideration of the rival contentions of the learned counsel, and on perusal of the material on record, there are allegations in the complaint with regard to the offences

alleged against the petitioners and admittedly in view of the stay orders granted by this Court, the proceedings have been stayed in this matter for the last seven years. Therefore, there are no grounds to quash the proceedings against the petitioners in this case.

7. Accordingly, the petition is dismissed with a direction to the police to follow the procedure under Section 41-A of the Cr.P.C. for investigation of the matter, in the light of the decision rendered in the case of **Arnesh Kumar v. State of Bihar**¹.

Miscellaneous petitions, if any pending, shall also stand dismissed.

12th October, 2017

KSM

GUDISEVA SHYAM PRASAD, J



¹ (2014) 8 SCC 273

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