

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7753 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in FIR.No.217of 2011 on the file of the Siricilla Police Station, Karimnagar. The offences alleged are under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, who takes notice for the first respondent. None appears for the second respondent.

3. A perusal of the complaint would show that there are clear and specific allegations that the petitioners abused the complaint with his caste name.

4. The counsel for the petitioners submits that the second petitioner was not at all present on the alleged date, as he was attending on his father, who was sick and his father died on 08.08.2011 i.e. one day after the alleged incident.

5. But from the date of alleged incident, which is one day prior to the death of the father of the second petitioner and the averments of the complaint, it cannot be assumed that the second petitioner was not present at the place of incident on 07.08.2011. That is fact, which has to be proved by the second petitioner during trial. Hence, this Court opines that it is not a fit case for quash of proceedings.

The criminal petition is dismissed. The interim stay, granted earlier in CRLPMP.No.8214 of 2011 dated 29.08.2011, shall stand vacated. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

December 15, 2017
DSK

T. RAJANI, J

