

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2099 of 2011

ORDER:

This petition is filed seeking for quashment of the proceedings against the petitioners, who are A1 and A3, in Crime No.54 of 2011 respectively on the file of Jangaon Police Station, Jangaon, Warangal District. The offences alleged are under Sections 354 read with 34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for respondent No.1. None appears for respondent No.2 in spite of notice.

3. A perusal of the complaint shows that the allegations so far as the offence under Section 3(i)(x) of the Scheduled Castes, Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act") are concerned, are very vague. The complaint is given by the Doctor working in the Government Hospital. The allegations are that the petitioners and some other associates entered the conference hall and some of them abused the complainant in her caste name. Moreover, the persons, who made the abuses, are not categorically mentioned.

4. The counsel for the petitioners relies on a ruling of the Apex Court in *Gorige Pentaiah vs. State of Andhra*

*Pradesh*¹, wherein the Supreme Court in similar factual situation quashed the proceedings against the petitioners therein, holding that when the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law. It was also held that according to the basic ingredients of Section 3(i)(x) of the Act, the complainant ought to have alleged that the appellant/accused was not a member of the Scheduled Caste or Scheduled Tribe and he (respondent No.3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view.

5. The complainant in this case belongs to Scheduled Caste but the complaint is not clear as to the aspects that are mentioned by the Apex Court in the ruling (referred supra). Hence, in view of the same, the proceedings so far as offences under Sections 3(i)(x) of the Act are concerned, need to be quashed. But as regards the other offences, the allegations *prima facie* constitute the alleged offences. Hence, quashing of proceedings with regard to the other offences is declined. However, considering the plea of the petitioners' counsel, the police are directed to follow the guidelines enunciated by the Supreme Court in *Arnesh Kumar v. State of Bihar and another (Crl.Appeal No.1277 of 2014)*², before effecting the arrest of the petitioners.

¹ 2008(1) SCC 531

² (2014) 8 SCC 273

6. With the above observations, the Criminal Petition is partly allowed quashing the proceedings in Crime No.54 of 2011 on the file of Jangaon Police Station, Jangaon, Warangal District, insofar as the offence under Section 3(i)(x) of the Act against the petitioners is concerned and the proceedings insofar as the other offences against the petitioners shall go on. Interim stay, granted by this court in CrI.P.M.P.No.2129 of 2011 in CrI.P.No.2099 of 2011, dated 14.03.2011, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

December 13, 2017
LMV



T. RAJANI, J