

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3033 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') requesting to exercise the inherent power to quash the proceedings in SC.ST.SC. No.29 of 2017 on the file of Special Judge for Trial of Cases under SCs & STs (POA) Act-cum-X Additional District Judge, East Godavari, Rajamahendravaram.

2. The petitioners are arraigned as accused Nos.1 & 2 in the aforesaid case. They alleged to have committed the offences punishable under Section 3 (1) (s) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (Act No.1 of 2016).

3. Heard Sri A. Satya Prasad, learned Senior Counsel, representing Sri Prakash Buddarapu, learned counsel for the petitioners, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The petitioners have not chosen to file the statements of witnesses recorded by the police under Section 161 (3) of Cr.P.C.

5. Before advertng to the submissions made by the learned Senior Counsel for the petitioners, it would be appropriate to refer to the complaint/charge-sheet averments levelled against the petitioners.

6. The *de facto* complainant, who is the 2nd respondent lodged a complaint, working as Cluster Resource Person (CRP) at Gajjanapudi Village, within the jurisdiction of Mandal Educational Officer, Prathipadu, since November, 2012 on contract basis. He has assigned with certain duties to check the attendance of the teachers of the schools of his cluster, attendance of the pupils and implementation of mid-day meals and other infrastructure facilities of the said schools and to report the same to the superior officers namely, M.E.O. and Academic Monitoring Officer, Sarva Siksha Abhiyan. On 16.8.2016, on the eve of Head Masters meeting at M.E.Os office, Prathipadu from 9.00 am to 11.00 am, the *de facto* complainant took part in the said meeting along with his Co-CRPs, other teachers and Head Masters and after the meeting was over they all came out and went to two-wheeler motorcycle parking place. There, when the *de facto* complainant along with his Co-CRP, Kollu Gangarao were discussing on their duties, the petitioners alleged to have came there to take their motorcycles and on finding the *de facto* complainant the 1st petitioner alleged to have insulted him by heckling him and also by hurling a comment “*State C.R.P. gadi Pani Ayipoyindira*” and the 2nd petitioner also joined the 1st petitioner and made a heckling by uttering the words “*State C.R.P. Kadura ‘Mala-CRP’ gadi pani Ayipoidira*” by looking down upon his caste and thereby insulted him and caused mental distress to him within public view knowing fullwell that the *de facto* complainant is socially oppressed by caste belonging to ‘SC-Mala’.

7. On receipt of the said complaint, Crime No.121 of 2016 of Prathipadu Police Station was registered and on completion of investigation charge-sheet was laid and numbered as SC.ST.SC. No.29 of 2017 on the file of Special Judge for Trial of Cases under SCs & STs (POA) Act-cum-X Additional District Judge, East Godavari, Rajamahendravaram.

8. The learned Senior Counsel for the petitioners mainly rests on three points.

9. First, according to the learned Senior Counsel, the petitioners are responsible representatives for Teachers Federation at Mandal level and some of the teachers having vexed with the attitude of the *de facto* complainant and the unfair demands of the *de facto* complainant brought them to their notice, and, in turn, the petitioners brought it to the notice of the MEO to rectify the attitude of the *de facto* complainant. That has been the motive for lodging the false complaint against the petitioners.

10. Second, the *de facto* complainant while working as Cluster Resource Person, attending day to day duties, pursued M.Ed., being regular course by getting seat in Entrance Test. The same came to the notice on obtaining relevant documents under Right to Information Act, 2005. Thus, confirmed that the *de facto* complainant is prosecuting M.Ed. course in the college and also attended to the classes. The Unit General Secretary Sri T. Kameswara Rao and the

President Sri D.V. Raghavulu lodged a complaint on 13.5.2016 to the Project Officer, Sarva Siksha Abhiyan, East Godavari District to take appropriate action against the *de facto* complainant, and, in turn, the Deputy E.O., Pithapuram was directed to conduct enquiry into the complaint by Office proceedings dated 19.8.2016 and it was published in 'Andhra Jyothi' newspaper on 15.8.2016. The learned Senior Counsel would submit that the *de facto* complainant, anticipating that he would have to face enquiry proceedings, suspecting that the petitioners are instrumental in making complaint against him, to wreak vengeance filed complaint against the petitioners.

11. Third, the witnesses, whom the *de facto* complainant referred to as eye-witnesses, are his close associates.

12. On these grounds, the learned Senior Counsel would submit that the complaint is motivated and there is no truth in the allegations mentioned therein, and, therefore, sought to quash the proceedings.

13. The learned Senior Counsel has also submitted that the petitioners herein have filed Criminal Petition No.14475 of 2016 requesting to quash the present First Information Report and this Court was pleased to direct the Police, Prathipadu not to arrest the petitioners till further orders.

14. The learned Assistant Public Prosecutor for the State of Andhra Pradesh would strongly resist the request contending that there are

concrete allegations in the complaint lodged by the *de facto* complainant and the investigating officer, having satisfied with the statements made by the witnesses against the petitioners as to existence of *prima facie* allegations of commission of cognizable offences, filed the charge-sheet, and, therefore, cannot be said that the petitioners are falsely implicated, as contended by the learned Senior Counsel for the petitioners.

15. Perused the complaint allegations, charge-sheet and the complaint given by the General Secretary of A.P. UTF District Unit to the Project Officer against the *de facto* complainant for prosecuting M.Ed. course, while working as Cluster Resource Person in Gajjanapudi School, and also the document issued by the Project Officer to conduct enquiry and to submit a report.

16. What has happened subsequent to the closure of the enquiry is not forthcoming.

17. Be that as it may, when there are concrete allegations in the complaint and even the investigating agency found *prima facie* allegations as to commission of cognizable offence by the petitioners and after completion of investigation filed charge-sheet, it is difficult at this stage to accede to the submissions made by the learned Senior Counsel for the petitioners just basing on the motive. In fact unless full-fledged trial takes place the defence now projected by the

petitioners is difficult to accept and to quash the proceedings in the aforesaid case.

18. Therefore, the present Criminal Petition is dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

A. SHANKAR NARAYANA, J

Date:05.06.2017
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