

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7783 of 2017

ORDER:

Heard learned counsel for the petitioner/accused and learned Public Prosecutor representing the State before ordering notice to the 1st respondent, who is de facto complainant of Crime No.25 of 2017 of G.K.Veedhi Police Station, Visakhapatnam, registered for the offences punishable under Sections 354(A)(i)(ii), 506 and 509 I.P.C. and Sections 3(1)(w)(i) and 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short 'the Act') and perused the grounds urged in the quash petition and the contents of the F.I.R.

The contentions of the learned counsel for the petitioner are that the petitioner is a Mandal Parishad Development Officer, from the very report running into two pages, there is a mention of the alleged occurrence taken place six months prior to that and it is a false accusation imputing allegations to bring within the purview of Section 3(2)(v)(a) of the Act, though Section 3(1)(w)(i) has no application, for nothing to show the de facto complainant is known to be the Scheduled Tribe as on the date of the alleged touching her while she was operating the computer, to robe along with the I.P.C. offence under Section 354(A)(i) I.P.C.

Having regard to the above, though there is a force in the contention of the learned counsel for the petitioner, there is

nothing to interdict the investigation to ascertain the truth by the Police, but for, to say pending investigation, the Police shall not arrest the petitioner/ accused.

With the above direction, the Criminal Petition is disposed of by left open all the defences.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:15.09.2017
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