

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8500 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C by the petitioners/A3 & A4 questioning the order dated 15.7.2017 in CrI.M.P.No. 507 of 2017 in Crime No. 1022 of 2016 on the file of VII Metropolitan Magistrate, Cyberabad at Hayathnagar, wherein the learned Magistrate did not incline to pass any order on the memo filed by the Investigating Officer informing the Court that in view of the investigation, he was adding Section 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 (Amendment Act 1 of 2016) in addition to existing offences under Sections 419, 420, 468 and 471 IPC.

2. Heard learned counsel appearing for petitioners and learned Public Prosecutor.
3. As can be seen from the impugned order, the learned Magistrate refused to interfere and pass any order because the matter was under investigation and at this stage, he cannot show any indulgence and after investigating agency files its report, the Court may have to think of taking cognizance or not.
4. The submission of learned counsel for the petitioners is that the adding of offence under Section 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 (Amendment Act 1 of 2016) does not arise because the complainant in his complaint did not specifically mention that he was dispossessed from the subject property. Therefore, the inclusion of said Section is *per se* illegal.
5. As can be seen from the memo filed by the Investigating Officer before the learned Magistrate that during the course of investigation he examined the complainant and recorded the statements under Section 161 Cr.P.C and it emerged

there from that the inclusion of Section 3(1)(g) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act 1 of 2016) was necessary.

6. It is a well known principle that the FIR is not be all and end all of an offence and during the course of investigation, if the Investigating Officer finds that some more offences are also committed, then he may have the liberty to add suitable penal sections of law and complete the investigation and file charge sheet. Then only the concerned Court will have an occasion to peruse the charge sheet and also the material produced by the Investigating Officer and to apply its judicial mind to think of whether or not to take cognizance of the offences mentioned in the charge sheet. Admittedly, that stage has not arisen yet. The learned Magistrate has rightly mentioned that aspect in the impugned order. Having found that the order does not suffer from any perversity or illegality, there is no occasion to interfere with the same.

7. Accordingly, this Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 18.09.2017
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