

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.4897 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings against the petitioners, who are A10 to A12 in Crime No.273 of 2010 on the file of Subedari Police Station, Warangal District. The offences alleged are under Sections 147, 447, 427 r/w 34 IPC and Section 3(i)(x), 3(i)(v) and 4 of the Scheduled Castes, Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act").

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1st respondent. None appears for the 2nd respondent in spite of notice.

3. The counsel for the petitioners submits that the vendor of the 2nd respondent/*de facto* complainant is a party to the suit filed by the petitioners herein and in spite of there being an order not to alienate the property, he alienated the property to the 2nd respondent and later the 2nd respondent approached the civil court and obtained injunction orders against the petitioners. However, the allegations in the complaint are that all the accused went and damaged the property of the *de facto* complainant. Hence, unless investigation is permitted, the truth of the said allegation cannot be brought out.

4. Insofar as the offences punishable under Sections 3(i)(x), 3(i)(v) and 4 of the Act are concerned, the complaint does not

disclose that the complainant belongs to scheduled caste or scheduled tribe and that there was any abuse made by the petitioners. Hence, the said offence cannot be sustained against the petitioners.

5. With the above observations, the Criminal Petition is partly allowed quashing the proceedings in Cr.No.273 of 2010 only insofar as the offences punishable under Sections 3(i)(x), 3(i)(v) and 4 of the Act against the petitioners are concerned and the proceedings against the petitioners insofar as the offences under Sections 147, 447, 427 r/w 34 IPC are concerned, shall go on. Interim stay, granted by this Court in CrI.P.M.P.No.4968 of 2011, dated 09.08.2011, shall stand vacated.

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

December 13, 2017
LMV

T. RAJANI, J