

HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No. 6305 of 2011

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

Though notice is served on the second respondent on 28.03.2012, as per the office endorsement, there is no representation on behalf of the second respondent.

The present criminal petition is filed by the petitioner/A-2 to quash the proceedings initiated against him in Crime No.42 of 2011 of Police Station, Yellareddypet, Karimnagar District for the offences punishable under Section 3(1)(x) of SC and ST (POA) Act, Sections 420, 504 and 506 IPC.

The brief facts of the case are that on 21.07.2011 the second respondent herein lodged a private complaint before the Judicial Magistrate of First Class, Sircilla against the petitioner herein and two others stating that Immadichetti Pochamma belongs to Gurrapu Mala community which comes under the Scheduled Caste. A-1 to A-3 including the petitioner herein belong to Goud community. A-1 for his family necessities borrowed an amount of Rs.65,000/- in cash from the second respondent on 01.11.2010 agreeing to repay the same with interest at 12% per annum thereon. However, A-1 postponed the payment on one pretext or the other. On 12.03.2011 at 9.30 A.M. when A-1 was at the office of Grampanchayat, Venkatapur village of Yellareddypet mandal, the second

respondent and Immadichetti Pochamma who were also at the grampanchayath office, asked for repayment of the said loan amount. Whereupon A-1 got angry against the second respondent and abused him in filthy language such as “*Nannu Grampanchayat Office Daggara Aduguthava, Uravuthalavunde Gurrapu Mala Lanja Koduku, Neependlam Denga, Mali Eddadanna Paisalu Adigithe Champesta Gurrapu Mala Badkav etc.*”. Having learnt about the above said incident, A-2 and A-3 which include petitioner herein also rushed to the grampanchayat office and abused Immadichetti Pochamma, such as, “*Gurrapu Mala Lanje, Lambidi etc.*” Therefore, he filed the complaint. The said complaint was referred to the police concerned under Section 156(3) Cr.P.C. and in pursuance of the same, a crime has been registered vide F.I.R.No.42 of 2011 for the offences mentioned above. Aggrieved by the registration of said crime, the present criminal petition is filed.

The learned counsel appearing for the petitioner would contend that the petitioner who is A-2, was not present at the scene of offence when A-1 abused the second respondent taking his caste name. That apart, no specific allegations are made against the petitioner to attract the offences under Sections 420, 504 and 506 IPC. Therefore, he sought to quash the proceedings initiated against the petitioner.

A perusal of the contents of the complaint would reveal that specific allegations are made with reference to abusing the second respondent and Immadichetti Pochamma on 12.03.2011 at 9.30 A.M. by A-1 taking the caste name and the petitioner and A-3 also

rushed to the Grampanchayat office and abused Immadichetti Pochamma taking caste name. At that point of time, Boini Narsaiah, Kanakatla Balaiah, Parkala Sinu and Mimindla Narsaiah who were present at the office, interfered and pacified the matter. However, A-1 to A-3 which include the petitioner herein while leaving from the place, threatened the complainant-Immadichetti Saraiah and Immadichetti Pochamma with dire consequences if they report the matter to the police concerned.

In the light of the said specific allegations, the contention of the learned counsel for the petitioner that no specific allegations are made and no case is made out against the petitioner, as far as the offences under Sections 504 and 506 IPC are concerned, is not correct. The allegations made in the complaint, will make out a prima facie case as alleged therein. Therefore, this Court feels that it is not the stage where the jurisdiction of this Court under Section 482 Cr.P.C. can be invoked, more particularly when the crime is at the stage of investigation. Therefore, there are no merits in the case and the criminal petition is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, if the presence of the petitioner is required during the course of investigation, the investigating officer concerned may invoke the provisions of Section 41-A of Cr.P.C. as per law and complete the investigation and file the charge sheet, if no charge sheet is filed as of now.

Interim order, if any, passed by this Court shall stand vacated.

The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

P. KESHA VA RAO,J

Date:29.12.2017
Ccm



HONOURABLE SRI JUSTICE P. KESHAVA RAO



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