

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2892 OF 2017

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to quash the proceedings in P.R.C.No.53 of 2015 on the file of the XXI Metropolitan Magistrate, Medchal, Cyberabad.

2. The petitioners, who are husband and wife, are arraigned as accused Nos.1 and 2 in the aforesaid P.R.C. and they alleged to have committed the offences punishable under Sections 448 and 323 of the Indian Penal Code, 1860 (IPC) and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard Sri T.S.Anirudh Reddy, representing Sri T.Pradyumna Kumar Reddy, learned counsel for the petitioners and learned Additional Public Prosecutor for the State of Telangana.

4. The main submission of the learned counsel for the petitioners is that *ex facie* the complaint does not contain any abusive phrases taking the caste of the *de facto* complainant. It is according to the learned counsel, the statement made under Section 161 of the Code, shows improvements in the direction of showing the complicity of the petitioners in the commission of the alleged offences, and, therefore, to quash the proceedings.

5. Learned Additional Public Prosecutor would strongly resist the request drawing attention to what has been stated in the complaint. It is according to him, the *de facto* complainant clearly mentions that she

was abused by the petitioners, which words she could not mention out of modesty.

6. Perusal of the statements recorded under Section 161 (3) of the Code would clearly make out, prima facie allegations, sufficient to commit the P.R.C. by the Court concerned. It is not a fit case for quashing the proceedings viewing that taking up trial would amount to the abuse of process of Court, as sought to be viewed. At the most, if at all, there are improvements as contended by the learned counsel, they can be confronted to the *de facto* complainant when she gets into the witness box and examines herself as a witness.

7. Accordingly, the Criminal Petition is dismissed.

8. Miscellaneous Petitions pending, if any, shall stand closed.

11th April 2017

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A. SHANKAR NARAYANA, J

