

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2685 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in Crime No.100 of 2011 on the file of Peddapuram Police Station, East Godavari District.

2. Heard the counsel for the petitioner and the Public Prosecutor, who took notice for the 1st respondent. The 2nd respondent has not appeared in spite of issuance of notice.

3. A perusal of the complaint shows that the allegations with regard to the offences under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are very specific. The counsel for the petitioners reports that before this complaint, a settlement was arrived at between the complainant and one of his brothers. But the settlement is not with the accused herein. Even if the settlement is with the accused, when it is prior to the complaint it loses its bearing on the case. Hence, the said settlement, which is prior to the complaint, cannot be taken into consideration for quashing the proceedings. This Court finds that this is not a case, which falls for invocation of powers under Section 482 Cr.P.C., which permits this Court only to exercise of powers in exceptional cases. This is not one such case. Hence, petition is found as not merited. However, the request of the petitioners' counsel to protect the accused from arrest can be considered. The police are directed not to arrest the accused unless it is very necessary

for the investigation and before arresting the accused, they shall seek permission of the concerned court.

4. With the above observations, the Criminal Petition is dismissed. Interim stay granted earlier, if any, shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 6, 2017
LMV

T. RAJANI, J

