

IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AND ANDHRA PRADESH AT HYDERABAD

WEDNESDAY THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION NO. 11964 OF 2011

Between:

Abbadi Linga Reddy & Anr. ... Petitioners/A-1 & A-2

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor
High Court, Hyderabad & Anr. ... Respondent/Complainant



Counsel for Petitioners/A-1 & A-2 Sri K. Venumadhav

Counsel for Respondent : Public Prosecutor

The court made the following : [order follows]

HONOURABLE SRI JUSTICE P. KESHAVA RAOCRIMINAL PETITION NO. 11964 OF 2011**ORDER:**

Heard the counsel for the petitioners as well as respondents 1 and 2.

2. The petitioners filed the present Criminal Petition to quash the proceedings initiated against them in Crime No. 124 of 2011 of Morthad Police Station, Nizamabad district, registered for the offences punishable under Section 384 IPC and Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes [POA] Act, 1989.

3. The factual matrix of the case is that the second respondent filed a complaint dated 02/11/2011 before the Inspector of Police, Mortad Police Station, Nizamabad against the petitioners herein stating that he belongs to Scheduled Caste mala community. He was awarded contract through tender for quarrying the sand for a sum of Rs.2,50,000/-. By investing a sum of Rs.14,000/- he has laid a road. The Mandal Revenue Officer, Mortad informed that tender awarded in his favour is not valid and he cannot quarry the sand. Thereafter, Village Development Committee forced him to pay a

sum of Rs.50,000/- but he refused to pay the same. They have imposed penalty of Rs.30,000/- on him. Thereafter, he was abused by the petitioners taking his caste name, resulting in social boycott by his caste people. He has also stated that he was abused about 45 days prior to the filing of the complaint. Therefore, requested to take appropriate action against the persons mentioned in the complaint, i.e., the petitioners. Based on the said complaint, the crime has been registered vide FIR.No. 124 of 2011 for the offences punishable under Section 384 of IPC and section 3 [x} [i] of Scheduled Castes and Scheduled Tribes [POA] Act, 1989. The counsel for the petitioners presented that the complaint is lacking basic ingredients to satisfy the provisions of Section 3 [1] [x] of Scheduled Castes and Scheduled Tribes Act. He also submits that in the complaint there is no whisper about the place, time and whether it was within public view, therefore, it is liable to be quashed.

4. To substantiate their contention, the petitioners had relied on a judgment of the Hon'ble Supreme Court in ASMATHUNNISA V/s. STATE OF A.P., represented by the Public Prosecutor, High Court of A.P. Hyderabad and

Anr.¹. In the said case, the allegations were made within residential premises and not any place within the public view. After referring to various judgments, the Hon'ble Supreme Court was pleased to quash the proceedings against them since the continuation of the proceedings would amount to abuse of process of law.

5. In the case on hand, a perusal of the complaint would not reveal commission of any offence much less the offence under section 3 (1) (x) of Scheduled Castes and Scheduled Tribes [POA] Act, 1989 and since there was no forcible payment of money as well. If the allegations are taken into consideration as true, the same will not satisfy the offence under section 3 (1) (x) of Scheduled Castes and Scheduled Tribes [POA] Act, 1989 as it is not in any public place. Therefore, this Court is of the opinion that the complaint dated 02/11/2011 does not satisfy the commission of any offence. Therefore, the Criminal Petition is allowed, quashing the proceedings initiated against the petitioners in Crime No.124 of 2011 of Morthad Police Station, Nizamabad, registered for the offences punishable under section 384 of IPC and section 3 (1) (x) of Scheduled Castes and Scheduled Tribes [POA] Act, 1989.

¹) AIR 2011 SC-1905

6. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stands closed.

JUSTICE P. KESHAVA RAO.



11/10/2017
I s L.

HONOURABLE SRI JUSTICE P. KESHAVA RAO.

CRIMINAL PETITION NO. 11964 OF 2011.



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