

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.10844 OF 2017

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings in Cr.No.293 of 293 of 2017 on the file of Banjara Hills Police Station, Hyderabad, registered for the offences under Sections 420, 493 IPC and Section 3(1) (r) (s) of SCs and STs Prevention of Atrocities Act, 2015 basing on the complaint lodged by Rajitha Burgula.

Respondent No.2 is the *de facto* complainant, who lodged a complaint alleging that she developed love affair with the petitioner and thereafter he enjoyed sex with her and on 20.03.2017 she went to Yanamala Kudur, Vijayawada, which is the native place of the petitioner and met the family members of the petitioner/accused and that the parents of the petitioner abused her in filthy language and insulted her and refused to marry the *de facto* complainant on the ground that she belongs to schedule caste.

Learned counsel for the petitioner contended that the allegations made in the report would not constitute any offence under penal provisions and requested this Court to quash the proceedings.

At this stage, the Court is required to verify the allegations made in the FIR and if the allegations would not constitute commission of any offence, this Court can exercise inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings.

But, the scope of Section 482 Cr.P.C is limited and this Court can exercise such power only to give effect to the orders passed by Criminal Procedure Code, to avoid abuse of process of law or to meet ends of justice. The *same principle is reiterated in the case of State of Haryana v. Bhajanlal and others*¹, wherein the Apex Court while considering various aspects laid down seven guidelines. If those guidelines are applied, the Court can exercise inherent jurisdiction only in case where the allegations on its face value, if accepted, would not constitute an offence under any penal provisions of law or such complaint was lodged to wreck vengeance etc., But, in the present facts of the case, the allegations made in the FIR would constitute an offence punishable under Section 3(1) (r) (s) of SCs and STs Prevention of Atrocities Act, 2015

The statements recorded by the Police, which are produced by the learned Public Prosecutor for the State of Telangana, also discloses the commission of offence punishable under section 3(1) (r) (s) of SCs and STs (Prevention of Atrocities Act), 2015. Therefore, at this stage, the allegations in the complaint and the statements recorded by the police during investigation, disclose material to constitute an offence punishable under Section 3(1) (r) (s) of SCs and STs Prevention of Atrocities Act, 2015.

In the circumstances, this Court cannot exercise inherent jurisdiction since such jurisdiction can be exercised in rarest of rare cases as held by the Apex Court in various judgments.

¹ 1992 Supp (1) SCC 335

Therefore, I find no ground to quash the proceedings at this stage.

Accordingly, this Criminal Petition is dismissed. However, liberty is given to the petitioner to renew his request at appropriate stage.

Consequently, miscellaneous applications pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dt. 16.11.2017
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