

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8772 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in Cr.No.373 of 2011, against the petitioners, who are A1 and A2, on the file of the Station House Officer, Sanjeevareddy Nagar Police Station, Hyderabad. The offence alleged is under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

2. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. A case was registered only for the offence under Section 3(1)(x) of the Act. A perusal of the complaint would show that there are specific allegations made against the first petitioner and the whole motive is attributed to the first petitioner. The second petitioner is the brother of the first petitioner. The allegation against him is that he was threatening the complainant stating that if he does not listen to what the first petitioner states, he would kill him. But no allegation pertaining to the offence alleged is made in the complaint. Hence, this Court opines that so far as the offence alleged against the second petitioner is concerned, the same is not attracted by the averments of the complaint. So far as the first petitioner is concerned, there are specific allegations that she has been abusing the complainant in his caste name.

4. Hence, in view of the above, this Court opines that the contention of the counsel for the petitioners that the first petitioner is innocent is only to be decided after due trial.

In the light of the above, the criminal petition is partly allowed quashing the proceedings in Cr.No.373 of 2011 on the file of the Station House Officer, Sanjeevareddy Nagar Police Station, Hyderabad insofar as A2 is concerned and dismissed insofar as A1 is concerned. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 17, 2018
DSK

T. RAJANI, J

