

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.11392s of 2013

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in S.C.No.58 of 2012, against the petitioner, on the file of the Special Sessions Judge for trial of SCs/STS (POA) Act Cases cum Additional Sessions Judge, Nalgonda. 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 petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. The facts of the case are that on 25.02.2010 a complaint was received with some allegations against one Kolanu Padma, who is the wife of the petitioner, for committing some mistakes in Satya Samabhavana Sangam and in that regard the committee members went to her house for enquiry and the petitioner interfered in the matter and abused the complainant in her caste name.

4. The counsel for the petitioner submits that the incident occurred on 25.02.2010 but the report was given only on 01.03.2010 as a counter blast to the complaint filed by the petitioner on 26.02.2010 i.e. on the very next day of the alleged incident. He submits that from the fact that the copy of the complaint bears stamp of the SI of police it can be understood that it was lodged with the police, which contention in the considered opinion of this Court has some force.

5. It is only after the aforesaid complaint, filed on 26.02.2010, the present complaint is filed. The averments in the complaint also would show that the complaint and others went to the house of the petitioner, as alleged in the complaint given by the petitioner on 26.02.2010. Hence, *prima facie*, it appears that the above complaint is only a counter blast to the complaint given by the petitioner herein and the delay in lodging the complaint is not explained in the complaint. Hence, in view of the above, this Court opines that this is a fit case for quash of proceedings.

In the light of the above, the criminal petition is allowed and the proceedings in S.C.No.58 of 2012, against the petitioner, on the file of the Special Sessions Judge for trial of SCs/STS (POA) Act Cases cum Additional Sessions Judge, Nalgonda, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

September 17, 2018
DSK

T. RAJANI, J

