

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2190 of 2013

ORDER:

This Criminal Petition under section 482 of Cr.P.C., is filed seeking to quash the proceedings in Cr.No.25 of 2013 of Tandur Police Station, Ranga Reddy District, registered for the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the petitioner/accused.

2. Heard learned counsel for the petitioner/accused and learned Public Prosecutor for the first respondent - State. None appears for the second respondent, in spite of service of notice.

3. The complaint is to the effect that when the complainant went to the Gas Agency with regard to non-supply of gas since one month, the accused abused him in the name of his caste. The incident occurred on 04.01.2013, but the report was given on 09.02.2013. The reason for the delay is stated to be due to the death of one of their caste persons, but the same does not seem to be tenable.

4. Learned counsel for the petitioner has relied upon a judgment of this Court in ***Parsa Somaiah and others Vs. State of Andhra Pradesh and another***¹, wherein it was held that unless the utterances in the name of caste are made with an intention to

¹ 2015 (1) ALD (CrL.) 143

humiliate or intimidate persons belonging to Schedule Caste/Tribe, in public view, offence punishable under Section 3(1)(x) would not be attracted.

5. The Supreme Court in **Gorige Pentaiah Vs. State of Andhra Pradesh**² held at Para 6 as under:

“6. In the instant case, the allegation of respondent No.3 in the entire complaint is that on 27.5.2004, the appellant abused them with the name of their caste. According to the basic ingredients of [Section 3\(1\)\(x\)](#) of the Act, the complainant ought to have alleged that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he (respondent No.3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. In the entire complaint, nowhere it is mentioned that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate respondent No. 3 in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.”

6. In this case also, no such averment is found in the entire complaint.

7. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would only be an abuse of process of law.

8. Accordingly, the Criminal Petition is allowed, quashing the proceedings in Cr.No.25 of 2013 of Tandur Police Station, Ranga

² (2008) 12 SCC 531

Reddy District, against the petitioner/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

31st October, 2018
sj

T. RAJANI, J

