

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.2019 of 2018

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 and A.2, seeking to quash the proceedings in Crime No.59 of 2018 on the file of the Neredmet Police Station, Rachakonda Commissionerate, registered for the offences under Sections 323 of I.P.C. and 3(1)(r), 3(1)(s) & 3(2)(va) of The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 Amendment Act No.1 of 2016.

2. Heard the learned counsel for the petitioners/A.1 and A.2, learned Assistant Public Prosecutor representing the 2nd respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1 and A.2 would submit that the petitioners/A.1 and A.2 belong to Scheduled Caste. The de-facto complainant also belongs to Scheduled Caste. There is no mention of 'public view' in the report lodged with the police. However, the allegations do not constitute offences under Sections 323 of I.P.C. and 3(1)(r), 3(1)(s) & 3(2)(va) of The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 Amendment Act No.1 of 2016. The averments of the complaint are utterly false and ultimately prayed to allow the application.

4. The learned Assistant Public Prosecutor opposed the application.

5. Having regard to the submissions made by both the sides and in view of the nature of allegations leveled in the First Information Report lodged on 29.01.2018, investigation has to go on to find out truth or otherwise of the allegations leveled against the petitioners/A.1 and

A.2. However, the police concerned shall not arrest the petitioners/A.1 and A.2, pending investigation. They can proceed with the investigation of the case and file charge sheet or final report, as the case may be.

6. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand dismissed.

Dr. Shameem Akther, J

20th February, 2018
Bvv

