

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.8690 OF 2011

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the petitioner/A-1 seeking to quash the proceedings in Crime No.274 of 2011 of Nizamabad III Town Police Station, Nizamabad District, registered for the offences punishable under Section 290 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989')

2. Heard learned counsel for the petitioner, learned Public Prosecutor, appearing for the 1st respondent – State, and learned counsel for the 2nd respondent – Complainant.

3. As per the complaint, on 15-09-2011 at about 01:15 P.M., while the complainant was going in front of the Office of Market Committee, for the purpose of purchasing fertilizers, then the Assistant Director of Market Committee Office was found to be locked but he got some suspicion and knocked the doors, shouted as to who was inside. Then one person opened the lock of the door. K.Narender Reddy, who is owner of Vamshi International Hotel and the petitioner herein, came outside of the Office and abused the complainant, touching his caste name and caught hold of his neck and pushed him.

4. Learned counsel for the petitioner submits that the petitioner is a stranger to the complainant and, hence, abusing the complainant in his caste name does not arise.

5. There is absolutely no material placed before this Court to show that the complainant had no prior acquaintance with the petitioner and from the fact that the name of the petitioner is mentioned in the complaint itself, it can be understood that the complainant knows the petitioner. The other contention of learned counsel for the petitioner, that the medical certificate, which is filed along

with the Petition, would show that the petitioner was not in a position to walk as on the date of incident, also cannot be considered, at this stage, as the truth of the medical certificate has to be gone into only during trial.

6. Hence, considering the above, this Court opines that this is not a fit case to quash the proceedings against the petitioner/A-1 in Crime No.274 of 2011 of Nizamabad III Town Police Station. Hence, the Criminal Petition is liable to be dismissed.

7 In the result, the Criminal Petition is dismissed. However, considering the plea of the petitioner that the petitioner is old aged person, this Court is inclined to direct the Police concerned to follow Section 41-A of Cr.P.C. before effecting the arrest of the petitioner/A-1.

8. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

Date: 17.09.2018.
Dsh

**T. RAJANI, J**

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Date. 17.09.2018

DSH