

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2644 OF 2018

ORDER:

Heard learned counsel for the petitioner/accused, learned Assistant Public Prosecutor for 1st respondent-State and perused the record.

2. This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.14 of 2018, Jainath Police Station, Adilabad District, registered for the offences punishable under Sections 341, 294-B, 323 and 506 IPC and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Learned counsel for the petitioner would submit that no alleged incident took place and this case is foisted against the petitioner and there is no public view and ultimately prayed to allow the petition.

4. Learned Assistant Public Prosecutor opposed the relief sought by the petitioner.

5. The point for determination is whether the proceedings in Crime No.14 of 2018 are liable to be quashed.

6. The report, dated 19.02.2018 lodged before the police by Suram Suresh reveals that on 17.02.2018, while he was proceeding towards Jainath to Laxmipur Village and when he reached near the field of Tukaram around 5 pm, the petitioner/accused restrained and abused him as 'mala bhadakapu, mala lanja koduka', previously what action was taken by their caste associations and alleged to have beaten the de facto complainant with hands on chest and over face and

tried to break his hand. The de facto complainant suffered injuries and severe chest pain. There are also allegations to do away the life of the de facto complainant. Further, there are two witnesses to the alleged incident. It is contended that the de facto complainant is the accused in the murder case of the brother of petitioner/accused. In these circumstances, it cannot be held that the alleged incident did not take place.

7. Whether there was a public view or not, whether the allegations made against the petitioner are true or false are required to be investigated. The innocence or otherwise of the petitioner would be determine after due investigation. The allegations constitute the offences as indicated in the FIR. The continuation of the proceedings is not abuse of process of law. There are no merits in the petition.

8. In the result, the Criminal Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

05th March, 2018.
ssp