

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.14900 of 2013

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner in P.R.C.No.60 of 2013 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offence punishable under Section 3(1)(x) of SC/ST (POA) Act, 1989.

2. Heard learned counsel for the petitioner and learned counsel for 1st respondent and also the additional public prosecutor appearing for the 2nd respondent – State.

3. The allegations in the complaint are that the petitioner is a contractor for giving Water connections for Azampura locality. On 22.09.2012, at about 02.30 P.M., when Mr.Chanakya, contacted him over phone by switching on the loud speaker, when the complainant asked the petitioner to give water connections to their locality, he replied 'Hindus ku dhena ka nai, e connecions muslims ka hai'. The words which are used by the accused are alleged of attracting the offence punishable under Section 3(1)(x) of SC/ST (POA) Act, 1989.

4. Learned counsel for petitioner submits that the said words used by the petitioner do not attract the alleged offence as there is no intention to insult the complainant and

moreover, all Hindus do not fall under the category of scheduled castes. He also submits that, in the charge sheet, it is observed that there is a contradiction between the complaint and the statement given by the complainant. Moreover, the alleged conversation is only over phone and is not within public view. This Court finds some force in the said contentions.

5. Hence, in view of the above, this Court opines that the continuation of further proceedings against the petitioner is nothing but abuse of process of law.

6. Accordingly, this criminal petition is allowed and all the proceedings against the petitioner in P.R.C.No.60 of 2013 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Section 3(1)(x) of SC/ST (POA) Act, 1989 are hereby quashed.

As a sequel, miscellaneous petitions pending consideration, if any, shall stand closed.

T. RAJANI, J

01.11.2018

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