

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.3132 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, seeking to quash the proceedings in Crime No.79 of 2017 on the file of Nermetta Police Station, Warangal Commissionerate, registered for the offences under Sections 3(1)(p), 3(1)(g), 3(1)(q), 3(1)(r), 3(1)(s), 3(2)(va), 4(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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

3. The learned counsel for the petitioner/A.1 would submit that when this petitioner/A.1 had lodged a report against the husband of the de-facto complainant, this false case is foisted against her, after due deliberations, with a delay of one and half months. The petitioner/A.1 is not responsible for the allegations mentioned in the private complaint filed by the de-facto complainant. Further, there is no specific mention of the caste of the de-facto complainant and also the alleged abuses made and ultimately prayed to quash the proceedings.

4. The learned Assistant Public Prosecutor opposed the relief sought by the petitioner/A.1.

5. As per the material produced before this Court, on a report given by the petitioner/A.1, a case in Crime No.37 of 2017 was

registered on the file of Narmetta Police Station, Warangal Commissionerate, against the de-facto complainant herein for the offences under Sections 447 & 427 of I.P.C., wherein, it is alleged that the husband of the de-facto complainant, along with other persons, said to have trespassed into the building, namely, Vayojana Vidya Kendram and damaged some part of that building. There is a case and counter case between the parties to the litigation. The truth or otherwise of the allegations is required to be determined after due investigation. It is not a fit case to quash the proceedings against the petitioner/A.1. In view of the nature of allegations, the interest of the petitioner/A.1 is required to be protected.

6. Under these circumstances, the Investigating Officer is directed to complete and investigation and file Final Report before the Court concerned, without arresting the petitioner/A.1.

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

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

Dr. SHAMEEM AKTHER, J

14th March, 2018
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