

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3465 of 2018

ORDER:

This Criminal Petition is filed by the petitioners/A.1 to A.3 seeking to quash the proceedings against them in Crime No.124 of 2018 of Chilkaalguda Police Station, registered for the offences under Sections 448, 506, 323 r/w 34 I.P.C. and under Section 3(r)(s) of the Scheduled Caste and Scheduled Tribe (POA) Act.

The brief facts of the complaint as narrated by the defacto-complainant are that the complainant is a tenant in the house bearing No.12-10-586/2/3, Medibavi. The old house to the right side of the house of the complainant was demolished about 15 days back and during the course, the drainage pipe leading to the house of complainant was damaged and thereby, sullage water was emitting out. The complainant informed this fact to his owner to effect repairs. While so, on 11-3-2018 at about 10-15 A.M., all the accused forcibly entered his house and questioned his owner as to why the house was let out to the complainant and in that course, they abused him in the name of his caste and also assaulted him. Investigation is reported to be pending.

The learned counsel for the petitioners would submit that the petitioners gave a report against the defacto complainant which was registered as Crime No.128 of 2018 of Chilkaalguda for the offences under Sections 448, 506, 323 r/w 34 I.P.C. and under Section 3(r)(s)

of the Scheduled Caste and Scheduled Tribe (POA) Act and as a counter blast, the present false compliant was filed against them.

As can be seen from the complaint averments, there is a prima facie accusation against the petitioners/accused and hence, it is not a fit case to quash the proceedings at this stage. Hence investigation shall continue to its local end. However, having regard to the nature of offences, Investigating Agency is directed to strictly follow the procedure contemplated under Section 41 A of Cr.P.C. towards the petitioners/accused and the petitioners are also directed to cooperate with the Investigating Agency for smooth completion of investigation.

Accordingly, this Criminal Petition is disposed of.

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



JUSTICE U.DURGA PRASAD RAO

Dated 21st March, 2018.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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