

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.8334 OF 2017

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. to quash the proceedings in Cr.No.229 of 2017 on the file of the Station House Officer, Atmakur Police Station, SPSR Nellore District, registered for the offences punishable under Sections 3 (1) (w) (ii) of SCs & STs Act, 1989 and 506 and 509 IPC.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the allegations are absolutely false. No allegations do constitute any of the offence referred supra and ultimately, prayed to allow the petition.

4. On the other hand, learned Assistant Public Prosecutor opposed the same and contended that it is at very pre-mature stage. He also contended that it cannot be said that issuance of F.I.R. is erroneous and ultimately, prayed to dismiss the petition.

5. The material on record reveals that the husband of the de facto complainant died some time back. She is living alone with her two daughters. She wanted to construct a house at the plot allotted by the Government. In that process, she wanted to take the help of the person knowing Vaastu. Her father brought the petitioner-accused to the house on 16.08.2017. The petitioner-accused on coming to know about the death of the husband of the de facto complainant, started talking to her on telephone by

taking her number from her father. The petitioner used obscene words touching the parts of her body, harassed her and demanded her to satisfy his desire and threatened her that he will do black magic etc., The conversation was recorded. It is not in dispute that the de facto complainant belongs to Scheduled Caste. There are allegations constituting the cognizable offences as mentioned in the F.I.R, placed on record. The matter requires investigation. It cannot be said that continuation of proceedings would be an abuse of process of law. Therefore, the petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Criminal Petition shall stand closed.

DATED: 29-01-2018.
Hsd

DR.SHAMEEM AKTHER, J

