

THE HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL PETITION No.1997 of 2011

ORDER:

This petition, under Section 482 of Cr.P.C., is filed by the accused seeking to quash the proceedings in Crime No.14 of 2011 on the file of Station House Officer, Macherla Town Police Station, Guntur District.

2. The contention of the petitioners-A1 to A.7 is that the petitioners have been implicated falsely in the crime and there is no iota of evidence against them to establish the allegations made by the complainant-second respondent herein. As per the allegations in the complaint, no ingredients are made out to attract the offence under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further contended that there is no specific allegation in the complaint so as to establish any insult or intimidation that has taken place within the public view and the complaint is silent regarding the presence of public at the time of incident. The complaint is also silent as to when and at what time the second respondent lodged the complaint to the police. There is civil dispute between the petitioners 1 & 2 and Shaik Battuvaripalli Kaleem and Shaik Battuvaripalli Hasan Ahmed and at their instance, the second respondent lodged a false complaint against the petitioners only to harass them. On 10.01.2011, the first petitioner, who is suffering from heart disease, went to hospital at Piduguralla for treatment and he was not at all present at Macherla at the time of occurrence of alleged offence.

3. On the other hand, the learned Public Prosecutor contended that specific overt acts are attributed to the petitioners in the complaint that they have abused the complainant-second respondent by touching his caste name.

4. Heard the learned counsel for the petitioners and learned Public Prosecutor for first respondent. None appears for the second respondent having served with notice. Perused the material available on record.

5. Now the point that arises for consideration in this petition is whether there is any *prima facie* material to prosecute the petitioners or there is any abuse of process of Court in continuing the proceedings against the petitioners?

6. A perusal of the record goes to suggest that A.1 and A.2 filed suits in O.S.Nos.88 of 2010 & 13 of 2011 respectively, on the file of Senior Civil Judge, Gurazala against Shaik Battuvaripalli Karimulla; Shaik Battuvaripalli Hasanamma and others. A perusal of the complaint and F.I.R. goes to suggest that on 10.01.2011 the complainant along with his friend went to the house of (1) Shaik Battuvaripalli Kaleem and (2) Shaik Battuvaripalli Hasan Ahmed to purchase Ac.3.00 cents of land belonging to them, at about 4.00 p.m. and at that time, the petitioners herein, who are A.1 to A.7, abused the second respondent by touching his caste saying "Madiganakodaka, who are they to sell the property and who are you to purchase it" and stating so, threatened him to kill if he enters into the property. Immediately, on 11.1.2011, the complainant-second respondent filed a private complaint as the police did not register the complaint lodged by him. The Judicial First Class Magistrate, Macherla forwarded the said complaint to

the police under Section 156(3) Cr.P.C. and on the basis of the same, police registered a case in Crime No.14 of 2011 for the offence under Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. As seen from the allegations in the complaint, specific overt acts are attributed to the petitioners that all of them abused the complainant-second respondent by touching his caste name as “Madiganakodaka” and they also threatened him to kill if he enters into the said property. In view of the specific overt acts attributed to the petitioners, I find that there is *prima facie* material to prosecute the petitioners for the alleged offences. No material is placed to establish any abuse of process of Court and hence, I find no ground to quash the impugned proceedings.

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

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

02nd February 2018
Tsr

JUSTICE N.BALAYOGI