

SMT JUSTICE T.RAJANI

CRIMINAL PETITION Nos.10684, 10685 & 10686 OF 2011

COMMON ORDER:

1. These three Criminal Petitions, under Section 482 of Cr.P.C., are separately filed by the Petitioners/A-6, A-1, and A-2 to A-5 seeking to quash the proceedings in Crime No.117 of 2011, on the file of the Station House Officer Mutyalareddypalli Police Station, Tirupati Urban, Chittoor District, registered for the offences punishable under Sections 323, 354, 384, 427, 447 and 506-II R/w.34 of I.P.C. and Section 3(1)(v) and (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989').

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent – State. None appears on behalf of the 2nd respondent/de-facto complainant, in spite of service of notice.

3. Learned counsel for the petitioners submits that, as per the averments in the complaint, the disputes between the parties are completely civil in nature.

4. But, as regards the offence punishable under Section 3(1)(v) and (x) of the Act of 1989, the complaint spells the specific abuses made by the petitioners touching the caste of the de-facto complainant. Even though there are civil disputes between the parties, it cannot be said that the offences alleged in the complaint are not committed by the petitioners. The civil disputes might have been the cause for the petitioners to commit the alleged offences.

5. Hence, considering the nature of the allegations, this Court opines that there are several factual aspects, for deciding which adjudication has to be taken up, which can be done only after due trial. Hence, this Court considers that these are the matters for trial and not fit cases to quash the proceedings.

6. However, at this stage, learned counsel requests the Court to dispense with the presence of the petitioners.

7. In view of the above, this Court considers that the presence of the petitioners before the trial Court may not be insisted upon unless it is required for the proceedings of the case. However, the trial Court can direct the petitioners to be present on those dates of the proceedings in which their presence is required.

8. In the light of the above, these three Criminal Petitions are dismissed.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 26.12.2018.
Dsh



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