

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8381 OF 2011

ORDER:

The criminal petition is filed for quash of the proceedings in P.R.C.No.17 of 2011 on the file of the III Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District. The offence alleged is under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1890.

Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent-State. None appears for the 2nd respondent, despite service of notice.

The complaint is filed stating that there was a dispute in respect of construction of house of the complainant and, in that process, the petitioner abused the complainant in the name of his caste.

Learned counsel for the petitioner submits that after investigation, final report was filed referring the case as false. Later, on protest petition, the trial Court took cognizance of the case and issued summons to the petitioner herein. He mainly relies on one lapse on the part of the complainant to mention that the accused was not a member of the Scheduled Caste or a Scheduled Tribe. The counsel relies on a decision of the Supreme Court in **GORIGE PENTIAH v. STATE OF ANDHRA PRADESH**¹ wherein the Supreme court held as para 6 as under:

“6. In the instant case, the allegation of respondent No.3 in the entire complaint is that on 27.5.2004, the appellant

¹ (2008) 12 SCC 531

abused them with the name of their caste. According to the basic ingredients of [Section 3\(1\)\(x\)](#) of the Act, the complainant ought to have alleged that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he (respondent No. 3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. In the entire complaint, nowhere it is mentioned that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate respondent No. 3 in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.”

The counsel contends that the complainant had no where in the complaint mentioned that the accused is not a member of the Scheduled Caste or a Scheduled Tribe.

In the light of the above legal position, the criminal petition is allowed and the proceedings in P.R.C.No.17 of 2011 on the file of the Cr.No.103 of 2011 on the file of the III Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District, are hereby quashed.

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

T. RAJANI, J

August 28, 2018
MRR