

HON'BLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL PETITION No.5056 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

The prayer in the criminal petition is as under:

“In the above circumstances, it is therefore prayed that his Hon'ble Court may be pleased to quash Cr.No.93/2018 on the file of Manuguru P.S., Bhadradi Kothagudem District, and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The facts of the case are that the 2nd respondent/de facto complainant lodged a complaint on 28.03.2018 before the Station House Officer, Manuguru P.S., stating that on 26.03.2018 at about 7.00 p.m. when he was in his house, one Gurram Hemanth, K. Satish and G. Kishore came to his neighbour's house. The 2nd respondent went to them and requested them not to drive the tractor at high speed in front of his house since the children are playing and moving around. Thereupon, the said three persons behaved in a highhanded manner and abused him taking his caste name and beat him with hands. Then the 2nd respondent out of fear went inside the house. However, after sometime, the said three persons and Gurram Satyanarayana and Gurram Narasimha Rao came to his house and again abused him with his caste name and beat him with hands and legs. At that time, his wife and two daughters, who came from outside, when questioned, the said persons threatened them with dire

consequences and they will kill them. In the said attack, the 2nd respondent received injury near the left eye and lower lip and received blood injuries. After hearing the cries of the 2nd respondent, the neighbours came to his house. At that time, the said persons threatened that they will kill him at any point of time and went away. The 2nd respondent went to the hospital and thereafter lodged the complaint. Pursuant to the said complaint, a case has been registered vide Crime.No.93 of 2018 for the offences under Sections 448, 323 and 506 IPC and Section 3(1) (r) (g) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “the Act”). Aggrieved by the registration of the said crime, the present criminal petition is filed by the petitioner, who is accused No.4.

Learned counsel appearing for the petitioner would contend that he has not committed any offence much less the offence as alleged in the complaint. In fact, the allegations made against him are not true and correct. Neither the petitioner nor any of his family members indulged in any transportation of sand. They are all agriculturists. The petitioner neither went to the house of Pasha nor abused the 2nd respondent nor there was any issue taken place. However, a false complaint has been lodged against him and his family members at the instance of the local political leaders. He also contended that though the incident has

occurred on 26.03.2018, complaint was lodged on 28.03.2018 and the delay caused is also not properly explained.

Per contra, learned Public Prosecutor appearing for the 1st respondent State would contend that specific allegations are made and therefore the proceedings cannot be quashed. He also brought to the notice of this Court that the crime is at investigation stage and as such the truth or otherwise of the allegations mentioned in the FIR cannot be ascertained.

Having heard the learned counsel for the petitioner and perusal of the complaint would show that the offence under Section 3(s) of the Act, is not attracted, since the alleged abusing of the 2nd respondent with his caste name is not in any place within the public view, as, according to the complaint itself, the petitioner and others went inside the house of the 2nd respondent and abused him.

As far as the injuries caused to the 2nd respondent are concerned, the learned Public Prosecutor fairly conceded that no injury/wound certificate is enclosed to the complaint.

Be that as it may, when a specific allegation is made and more so when the crime is at the investigation stage, this Court in exercise of its power under Section 482 Cr.P.C. cannot quash the proceedings. As such, there are no merits in the criminal petition and the same is liable to be dismissed.

Accordingly, the criminal petition is dismissed. However, during the course of investigation, if the 1st

respondent desires the presence of the petitioner, he may invoke the provisions of Section 41A Cr.P.C. as per law.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 01.05.2018.

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