

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.5049 of 2018

ORDER:

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

The facts of the case are that on 30.03.2018 a complaint was lodged by the 2nd respondent against the petitioners before the Station House Officer, Bhupalpally Police Station stating that she belongs to S.C. Madiga community. In fact, the 2nd respondent and 84 other members belonging to S.C. community are cultivating the land admeasuring Ac.32.00 in Sy.Nos.331, 332, 312 and 313 belonging to Syed Afzaluddin and Khajauddin and they are eking their livelihood. In recent times, one Pendem Repal, s/o. Rajamally got his name entered in the revenue records in respect of the said land. Therefore, all the caste members on 23.03.2018 at 9.00 a.m., went to the Sarpanch and when summoned the petitioners, they have not attended the said meeting. When all of them, including the 2nd respondent, were returning to their houses from bus stand, the petitioners and others came and abused them by taking their caste name. At that time, one Garram Sammaiah, s/o. Mallaiah, Ravula Shankaraiah, s/o. Komraiah, Pinagani Narsaiah, s/o. Rajaiah came and stopped the petitioners from abusing the 2nd respondent and her caste members in filthy language. Therefore, the above said complaint was lodged against the

petitioners. Pursuant to the said complaint, a crime was registered vide FIR.No.74 of 2018 for the offences under Sections 294B, 323, 506 read with 34 IPC and Sections 3 (1) (r) & (s) and 3 (2) V (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Aggrieved by the registration of the said crime, the present petition is filed.

Learned counsel appearing for the petitioners would submit that the present complaint is only a counter blast to the complaint filed by the petitioners against the husband of the 2nd respondent and others, whereby and whereunder, he was tied to an iron pole and abused. In connection with the said incident, a crime was registered vide FIR.No.71 of 2018 on 23.03.2018 for the offences under Sections 442, 448, 323, 427, 290 and 506 IPC read with Section 34 IPC. Unable to digest the registration of the crime against them, the 2nd respondent lodged a complaint as a counter blast. Counsel for the petitioners would also submit that there are no merits in the criminal petition.

However, a perusal of the complaint would show that specific allegations are made against the petitioners. Even though it is a counter blast case according to the petitioners, when the crime is at the investigation stage, this Court cannot go into the truth of otherwise of the allegations made in the complaint. Therefore, this Court is of the opinion that it is not a case to quash the proceedings initiated against the petitioners at this stage.

In these circumstances, the criminal petition is dismissed. However, during the course of investigation if the presence of the petitioners is required, the 1st respondent is directed to follow the procedure as contemplated under Section 41A Cr.P.C.

Miscellaneous petition, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 30.04.2018.
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