

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6081 of 2018

ORDER

This criminal petition is filed under Section 482 Cr.P.C., to quash the proceedings in Crime No.357 of 2018 of Proddatur I Town Police Station, registered for the offences punishable under Sections 323, 506 read with 34 IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, but sought for quashment only for the offence punishable under Section 3(1)(r)(s) of the SCs & STs (POA) Act on the ground that the 2nd respondent/*de facto* complainant was Baptised and converted into Christianity though he originally belongs to schedule caste (Mala) and produced certificate of Baptism dated 15.02.2016 issued by Sharon Prayer House, Chakrayapet Mandal, Kadapa District and that A1 to A3 belongs to scheduled caste and the act if any done by A1 to A3 do not fall within the SCs and STs (POA) Act as they are members of the scheduled caste.

Though the contention of the petitioners is that A1 to A3 belongs to scheduled caste, they did not produce any certificate issued by competent authority to quash the proceedings under Section 3 (1)(r)(s) of the SCs and STs (POA) Act. The other contention is that the *de facto* complainant converted himself into Christianity and produced certificate dated 15.02.2016 issued by Sharon Prayer House, Chakrayapet Mandal to the effect that he was Baptised. But at this stage, it is not possible to quash the proceedings on the ground that the *de facto* complainant converted into Christianity and the certificate issued by the Sharon Prayer

House, is not a competent authority to issue caste certificate and is not sufficient to conclude that the *de facto* complainant belongs to Christian religion. However, the proceedings are at the crime stage and investigation is not yet commenced. In view of the guidelines issued by the Apex Court in **Dr. Subhash Kashinath Mahajan v State of Maharashtra and another**¹, the Investigating Officer is directed to enquire into the caste of A1 to A3 and conversion of the *de facto* complainant from Hindu to Christian religion and take action in this regard and that the offence allegedly committed by the petitioners are not punishable with imprisonment not more than seven years, thereby the investigating officer is directed to follow the guidelines of the Apex in **Arnesh Kumar v. State of Bihar and another**². It is needless to remind to the police that violation of guidelines of the Apex Court in **Arnesh Kumar's** case referred supra amounts to contempt of Court.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

15.06.2018
kvrm

¹ 2018 Law Suit (SC) 233

² 2014(8) SCC 273