

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6464 of 2018

ORDER

This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.596 of 2017 of III Town Police Station, Visakhapatnam, registered for the offences punishable under Sections 341, 323, 506 read with 34 IPC and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The 2nd respondent – K.Yedu Kondalu – *de facto* complainant, Assistant Professor in A.U Sanskrit Department is member of the Schedule Caste and the 1st petitioner is also member of the schedule caste.

According to learned counsel for the petitioner, the proceedings against the 1st petitioner for the offence punishable under SC & ST Act is not maintainable as he is also member of the Schedule Caste and the other petitioner did not commit no offence and requested the Court to quash the proceedings.

In view of the law laid down by the Apex Court **Dr. Subhash Kashinath Mahajan v State of Maharashtra and another**¹, the police have to conduct preliminary enquiry and proceed further and the question whether the 1st petitioner is member of the schedule caste or schedule tribe has to be decided in the preliminary enquiry. If preliminary enquiry discloses that the 1st petitioner is member of the schedule caste or schedule tribe, I am sure that the investigating agency will exclude him for the offence punishable under the SC & ST Act and take further action in the incident.

¹ 2018 Law Suit (SC) 233

In view of the guidelines issued by the Apex Court in **Dr. Subhash Kashinath Mahajan's** case referred supra, the investigating agency to adhere to the said guidelines.

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

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

M. SATYANARAYANA MURTHY, J

22.06.2018
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