

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.728 of 2011

ORDER:

This petition is filed, by the petitioner, who is the accused, seeking for quash of the proceedings against him in Crime No.196 of 2010 of Tirupati East Police Station, Chittoor District, The offences alleged are under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing, for the 1st respondent as well as the counsel for the 2nd respondent.

3. The counsel for the petitioner submits that the petitioner herein is a journalist and that the complainant is an ex employee. The allegations are that on 11.02.2010, when the complainant approached the petitioner for salary, he abused him in his caste name. But the complaint was not filed immediately, it was filed only on 23.02.2010. The reasons for the delay are not mentioned. Moreover, the counsel relies on a decision of the Supreme Court in GORIGE PENTIAH v. STATE OF ANDHRA PRADESH¹ wherein the Supreme court held at paragraph 6 reads 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 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

¹ (2008) 12 SCC 531

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.”

4. The counsel contends that the complainant had nowhere in the complaint mentioned that the accused is not a member of the Scheduled Caste or the Scheduled Tribe. A perusal of the complaint also does not show that there is any mention that the accused does not belong to the Scheduled Caste or the Scheduled Tribe.

5. Hence, in view of the above, this court opines that the further proceedings are liable to be quashed.

6. In the light of the above legal position, the Criminal Petition is allowed and the further proceedings in Crime No.196 of 2010 of Tirupati East Police Station, Chittoor District, against the petitioner, are hereby quashed.

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

T. RAJANI, J

August 23, 2018
LMV