

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7144 of 2018

ORDER :

The petitioner is the sole accused in S.C.No.221 of 2017 pending on the file of the learned Special Sessions Judge-cum-SC/ST (POA) Act Cases Court-cum-VII Additional District and Sessions Judge, L.B.Nagar, Ranga Reddy District. The 2nd respondent is the *de facto* complainant.

2. The quash petition contentions are that even taken on face value of the cognizance order of the learned Special Sessions Judge from the police final report, no offence under Section 3(1)(r) and (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, 'the SC/ST Act') that attracts and the cognizance is unsustainable and there is no offence made out even under Sections 506 or 504 IPC. The First Information Report, dated 23.04.2017, from the report of the *de facto* complainant in registration of the crime reads that he is doing cable network service by taken on lease from the accused/K. Sada Shiva Yadav of Nikhita Communications and he was removed by him, from that and to have in search of avocation for the last one year he was running cable connections on his own at Anandnagar, Yerragadda, and having felt jealousy by the accused trying to intimidate him through some rowdy elements and when he questioned him he abused touching his caste. Hence to take action.

3. From the very reading of the First Information Report, no offence under Section 3(1)(r) and (s) of the SC/ST Act made out, leave about what were the abuses. There is nothing of any persons present to say any public view of any abuses touching the caste, much less any criminal intimidation as to who threatened him and at what time and place and how it is referable to the accused if at all somebody threatened when that is the case.

4. Leave it as it is, even from the police investigation the very statement of *de facto* complainant with some more details even taken on face value no way makes out any case for the reason from the statement of him shows that he took cable network communications operation from the accused on lease on monthly rent of Rs.1,95,000/- to certain areas and the lease period expired by December, 2015 and he did not renew the lease, thereby through the M.S.O.Rajeswara Rao he developed independent connections of 450 which originally he was running under lease from the accused and he was thereby bore grudge and on 06.03.2017 at about 8.00 a.m. in the presence of himself, Prakash and Dhanoj Kumar, who were working under him at Anand Nagar 'T' junction, when they were attending cable connection works accused/Sada Shiva Yadav came to him and questioned as to why working under him, when he harm him and thereby the people belong to Mala Madiga cannot be believed and at that time one Charan was also there according to him.

5. Even taken on face value what is stated is certain community people in general cannot be believed and not abused much less any member of Scheduled Caste or Scheduled Tribe community, much less the *de facto* complainant with any specific words.

6. Having regard to the above, no offence made out even on face value of the police final report allegation from the statement of the *de facto* complainant with development to the original First Information Report no way makes out any case, thereby taking of cognizance under the Special Act not sustainable. Even coming to the offence under Section 504 IPC it is an intentional insult with intent to provoke breach of peace, it is not even his case that from his words there are any Scheduled Caste or Scheduled Tribe people there are revolted or there was breach of peace, thereby the offence under Section 504 IPC no way attracts and no offence under Section 506 IPC even made out.

7. Having regard to the above, the criminal petition is allowed quashing the proceedings so far as the petitioner/accused in S.C.No.221 of 2017 on the file of the learned Special Sessions Judge-cum-SC/ST (POA) Act Cases Court-cum-VII Additional District and Sessions Judge, L.B.Nagar, Ranga Reddy District. The bail bonds of the accused shall stand cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

5th November 2018.
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