

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8222 of 2013

ORDER:

This criminal petition is filed for quash of the proceedings in S.C.No.15 of 2010, against the petitioner, who is the accused, on the file of the Special Judge For Trial of Cases under SCs & STs (POA) Act, East Godavari District, Rajahmundry. The offences alleged are under Sections 324, 506 read with Section 34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the second respondent. None appears for the first respondent in spite of notice.

3. The counsel for the petitioner submits that with regard to the same incident, which occurred at 12 Noon on 19.12.2008, the petitioner gave a report to the police at 1 PM on the same day alleging the offence under Sections 324, 506 read with 34 IPC against the first respondent and that the charge sheet is also filed. The present complaint is filed by the first respondent on the next day i.e. 20.12.2008 at 9 AM. The counsel submits that from the fact that the complainant did not file report immediately and that he filed the report only subsequent to the report lodged by the petitioner, it can be understood that it is only filed as counter blast. The counsel for the petitioner also submits that the first respondent is a labourer working in the fields of the brothers of the petitioner and there was a dispute among the brothers with respect to the landed property, as such,

a suit was filed by the brothers seeking partition of the property, which was dismissed.

4. Hence, from the above, it can be understood that the said report is filed by the first respondent only as a counter blast to the report given by the petitioner.

5. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner for the alleged offences would only be abuse of process of law.

In the light of the above, the criminal petition is allowed and the proceedings in S.C.No.15 of 2010, against the petitioner, who is the accused, on the file of the Special Judge For Trial of Cases under SCs & STs (POA) Act, East Godavari District, Rajahmundry, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 25, 2018
DSK

T. RAJANI, J