

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.8989 OF 2011

ORDER:

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners - accused seeking to quash the proceedings against them in Crime/F.I.R. No.706 of 2011, dated 19.09.2011, of Panjagutta Police Station, Hyderabad, registered for the offences punishable under Sections 3 (i) (x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor for the State of Telangana and learned counsel for respondent No.2.

3. As per averments made in the report, respondent No.2 - *de facto* complainant lent some amount to one B. Venkata Ramana and when he was asking the said Venkata Ramana to discharge the said amount, and on one occasion of such demand, Venkata Ramana informed the *de facto* complainant that he took the loans from several people and gave the same to one K. Venkata Satyanarayana Raju for his business purpose, and when the *de facto* complainant questioned the Venkata Ramana again and again, he took him to the house of said K. Venkata Satyanarayana Raju. The allegation is that the petitioners, who are daughter and grandson of the said Venkata Satyanarayana Raju abused him with his caste name.

4. The learned counsel for the petitioners would contend that even as per the complaint, the petitioners - accused met the *de facto* complainant only for the first time on that occasion and, hence, there is no scope for them to have knowledge about the caste of *de facto* complainant. A perusal of the complaint does not show that they are acquainted earlier, and it only shows that for the first time they met the *de facto* complainant. Apart from the above, in the judgment of the Hon'ble Supreme Court in **Gorige Pentaiah v. State of Andhra Pradesh**¹ it was held that when the basic ingredients of the offence under Section 3 (i) (x) of the Act, 1989 are missing in the complaint, then permitting such a complaint to continue and to compel the petitioner to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law.

5. Hence, considering the above circumstances and relying on the aforesaid decision, the present Criminal Petition is allowed, and the proceedings against the petitioners - accused Nos.1 and 2 are hereby quashed in Crime/F.I.R. No.706 of 2011, dated 19.09.2011, of Panjagutta Police Station, Hyderabad.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

SMT. T. RAJANI, J

October 29, 2018
Mgr

¹. (2009) 1 SCC (Cri.) 446