

THE HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL PETITION No.8208 of 2011

ORDER:

This Criminal Petition is filed under section 482 of Cr.P.C to quash the proceedings in Crime No.58 of 2011 on the file of the Station House Officer, Charla, Khammam District.

2. The contention of the petitioners-accused is that, registration of FIR against the petitioners for the offences under section 376 and 417 IPC R/w section 3(i) (x) (xii) 2 (v) of SC, ST of Prevention of Atrocities Act, 1988 is without application of mind and is illegal. There are no ingredients attracting the offences under section 376 IPC. There are also no specific allegations against petitioner No.4 and no date is mentioned in the complaint. It is further contended that the present Petition filed is only to harass the petitioners.

3. Heard the learned Counsel for the petitioners. Perused the material placed on record. None appeared for respondent No.2.

4. Per contra, the learned Public Prosecutor contended that specific overt acts are attributed to the petitioners in the complaint that they have abused the complainant-respondent No.2 by touching her caste name.

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5. Now, the point that arises for determination is:

*whether there is any prima facie material to prosecute the petitioners?*

6. A perusal of the record go to suggest that the complainant filed the complaint on 23.7.2011 alleging that she was married at the age of 15 years, after 1 ½ years, they were separated in the presence of elders. Since then, she was living with her parents along with male child by doing coolie work. About five years back, petitioner No.1 introduced himself by promising her to marry and shifted to Hyderabad in Uppal area ie., Swaroopnagar and started living in a rented shed which belong to Yenugu Maladri Reddy, Contractor.

7. It is further alleged in the complaint that since three years the complainant – respondent No.2 and the petitioner No.1 leading family life by doing coolie work. After one year of their arrival to Hyderabad, brother (Ramu) and mother (Seetha Ratnam) of petitioner No.1 came and saw the complainant with petitioner No.1. Then, mother of petitioner No.1 questioned petitioner No.1, “why you have lead your life with a woman belongs to Madiga community”. Petitioner Nos.2 and 3 abused the complainant in filthy language as “Madiga munda neeku entha dairyam”, insulted her and left away. This incident is

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known to Yenuga Maladri Reddy. Further allegation is that, they stayed for another two years in the same place and later took her to his house in Charla. After seeing them, the family members of petitioner No.1 ie., mother-(Seetha Ratnam), Poluri Nagamani and brother-(Ramu) quarreled with them stating, “why you have took this madiga lady and necked out”. From there, petitioner No.1 taken the complainant to her residence at Kothapalli where he kept her in a hut which belongs to Vinapalli China Babu, on rental basis. Further allegation of respondent No.2 is that when village elders namely, Visampalli Pullaiah, Kopula Neelam, Visampalli Pentaiah and others questioned the petitioner No.1, in the presence of elders, petitioner No.1 accepted to marry the complainant and informed the same to his parents and elders. Thereafter, when he did not return, the same was informed to his parents and elders. Then mother-Seetha Ratnam, brother-Ramu and Maladri went to the house of complainant and held panchayat. As she could not get any justice in Panchayat, she made complaint.

8. From the above facts and circumstances discussed, I am of the considered view that there are specific overt acts attributed to the petitioner No.1 who induced the complainant promising to marry her by shifting her from place to place and the petitioners also abused touching her caste name as “Madiga”. In view of the specific allegations against the other

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petitioners, I do not find any abuse of process of the Court and no prejudice will be caused to the petitioners by such complaint. I find that there is *prima facie* material to prosecute the petitioners for the alleged offences and hence, I find no ground to quash the impugned proceedings.

9. In the result, the Criminal Petition is dismissed while vacating the interim stay granted on 09-09-2011 in Criminal M.P. No.8789/2011.

Miscellaneous Petitions, if any, pending shall stand closed.

Dated:16-2-2018  
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JUSTICE N. BALAYOGI



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Dated:16-2-2018

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