

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.11250 OF 2011

ORDER:

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioner - accused seeking to quash the proceedings against him in Sessions Case No.59 of 2011, pending on the file of the learned Special Sessions Judge for trial of Cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act - cum - I Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, registered for the offence punishable under Section 3 (i) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the petitioner. None appears for respondent No.2 despite service of notice.

3. The learned counsel for the petitioner would submit that on the complaint given by respondent No.2 - *de facto* complainant, the police investigated the matter and filed final report referring it as 'false'.

4. A perusal of the final report shows that the Investigating Officer came to the conclusion that the petitioner - accused did not abuse the *de facto* complainant with caste name nor spit on his face, and that the *de facto* complainant misrepresented the facts with an ulterior motive on the guise of Ex-rowdy sheeter, Yadagiri Rao, and it does not disclose as to the role of Ex-rowdy sheeter, Yadagiri Rao in *de facto*

complainant's filing report against the petitioner. After investigation, the Investigating Officer filed the final report referring it as 'false'. As against the said final report, the *de facto* complainant filed a protest petition before the Magistrate, and the Magistrate having examined it and the witnesses, has taken the cognizance against the petitioner for the aforesaid offence. Aggrieved by the same, the petitioner - accused filed the present petition seeking to quash the proceedings in the aforesaid case for the said offence.

5. The final report does not disclose the facts which led the Investigating officer to conclude that the complaint was filed on the guise of one Ex-rowdy sheeter, Yadagiri Rao. More over, the statements of the witnesses recorded by the Magistrate would show that the incident as alleged against the petitioner has taken place in their presence.

6. Hence, in view of the above circumstances, this Court opines that quashing the proceedings against the petitioner would not be safe at this stage and, accordingly, the present Criminal Petition is dismissed.

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

October 29, 2018
Mgr

SMT. T. RAJANI, J