

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3674 of 2011

ORDER:

This criminal petition is filed, by the petitioners, who are A1 and A2, seeking for quash of the proceedings in Crime No.71 of 2011 on the file of the V Town Police Station, Nellore District. The offences alleged against the petitioners are under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the first respondent as well as the learned counsel, appearing for the second respondent.

3. The counsel for the petitioners mainly relies on one lapse on the part of the complainant to mention that the accused were not members of the Scheduled Caste or the Scheduled Tribe. The counsel relies on a decision of the Supreme Court in *GORIGE PENTIAH v. STATE OF ANDHRA PRADESH*¹ wherein the Supreme court held as para 6 as under:

“6. In the instant case, the allegation of respondent No.3 in the entire complaint is that on 27.5.2004, the appellant abused them with the name of their caste. According to the basic ingredients of [Section 3\(1\)\(x\)](#) of the Act, the complainant ought to have alleged that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he (respondent No.3) was intentionally insulted or intimidated by the accused with intent to humiliate in a place within public view. In the

¹ (2008) 12 SCC 531

entire complaint, nowhere it is mentioned that the accused-appellant was not a member of the Scheduled Caste or a Scheduled Tribe and he intentionally insulted or intimidated with intent to humiliate respondent No. 3 in a place within public view. When the basic ingredients of the offence are missing in the complaint, then permitting such a complaint to continue and to compel the appellant to face the rigmarole of the criminal trial would be totally unjustified leading to abuse of process of law."

4. The counsel contends that the complainant had nowhere in the complaint mentioned that the accused is not a member of the Scheduled Caste or the Scheduled Tribe.

5. In the light of the above legal position, the Criminal Petition is allowed and the further proceedings against the petitioners in Crime No.71 of 2011 on the file of the V Town Police Station, Nellore District, are hereby quashed.

As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

August 16, 2018
LMV

T. RAJANI, J