

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.6527 OF 2013

ORDER:

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/Accused Nos.1 and 2 seeking to quash the proceedings in P.R.C. No.10 of 2012, pending on the file of the Court of Judicial First Class Magistrate, Puttur, Chittoor District (for short, 'the trial Court'), registered for the offences punishable under Section 506 of I.P.C. and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 1st respondent - State. None appears for the 2nd respondent – *de-facto* complainant, in spite of service of notice.

3. The allegations against the petitioners are that, on 07.05.2011, while the complainant was unloading sand at Pullur cross-road, they abused the complainant, touching his caste name.

4. Learned counsel for the petitioners submits that, earlier, a suit in O.S. No.84 of 2011, on the file of the Court of Principal Junior Civil Judge, Puttur, was filed by the 2nd petitioner against the *de-facto* complainant and another and *interim* injunction was obtained in his favour in I.A. No.239 of 2011, on 11.12.2015. Later, I.A. No.240 of 2011 was filed seeking for appointment of Advocate Commissioner and the Commissioner filed his report stating that, while he was inspecting the suit schedule land, the 1st defendant, who is the complainant herein, along with his henchmen, trespassed into the house of the plaintiff, who is the 2nd petitioner herein, and abused him in the presence of the Commissioner itself.

5. Hence, from the above facts, *prima-facie*, it appears that the possession was held to be with the petitioners and that, in fact, it is the *de-facto* complainant and his henchmen who have abused the petitioners. It appears that the complaint is filed only as a counter blast to the earlier proceedings.

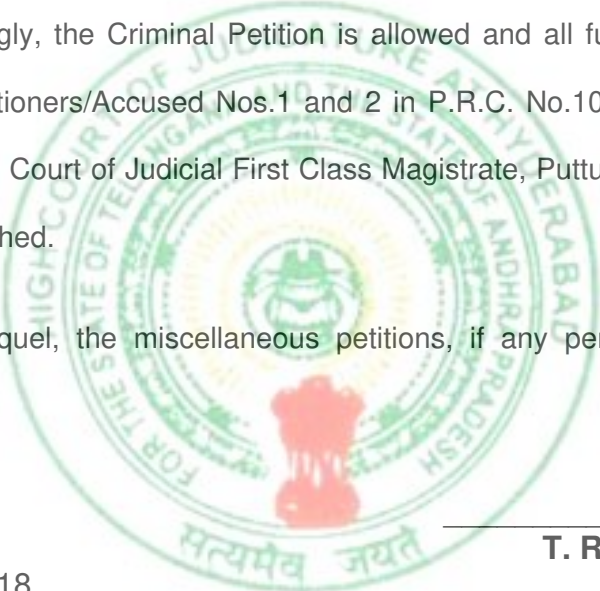
6. Learned counsel for the petitioners relies on a judgment of this Court in ***Parsa Somaiah and others Vs. State of Andhra Pradesh and another***¹, which is to the effect that when a civil suit is pending, there is every possibility for the accused being implicated in a case and, hence, the Court has to scrutinize the allegations with great care and circumspection. It was further held therein that unless the utterances in the name of caste are made with an intention to humiliate or intimidate persons belonging to Schedule Caste/Tribe, in public view, offence punishable under Section 3(1)(x) will not be attracted.

7. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioners would only be an abuse of process of law.

8. Accordingly, the Criminal Petition is allowed and all further proceedings against the Petitioners/Accused Nos.1 and 2 in P.R.C. No.10 of 2012, pending on the file of the Court of Judicial First Class Magistrate, Puttur, Chittoor District, are hereby quashed.

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

Date: 12.10.2018.
Dsh



T. RAJANI, J

¹ 2015 (1) ALD (Crl.) 143

SMT JUSTICE T.RAJANI**271****23102018****CRIMINAL PETITION No.6527 OF 2013**

Date. 12.10.2018

DSH