

**SMT JUSTICE T.RAJANI**

**CRIMINAL PETITION No.7282 OF 2011**

**ORDER:**

This Criminal Petition, under section 482 of Cr.P.C., is filed by the Petitioners/A-1 to A-4 seeking to quash the proceedings in Crime No.103 of 2011 of Ponnur Rural Police Station, Guntur District, registered for the offences punishable under Sections 323, 506 of I.P.C. and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989').

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the 2<sup>nd</sup> respondent – State. None appears for the 1<sup>st</sup> respondent, in spite of service of notice.

3. As per the contents of complaint, the incident occurred on 21.07.2011, in which the petitioners herein, who are relatives, abused the complainant, who is working as Watchman and Sweeper, for the last 5 years, in Nagendraswamy Temple at Kattempudi Cross Road, touching his caste name. The complaint also spells that earlier also there were several such instances and that reports were given, as the petitioners were threatening the complainant.

4. Learned counsel for the petitioners takes this Court through the background of the case and submits that earlier also a complaint was filed on 26.03.2011, which was registered as a case in Crime No.41 of 2011 on the file of same Police Station for the same set of facts; wherein due investigation was conducted in the said case and final report was filed, stating that it is a false case. A perusal of the final report shows that out of miscomprehension, both the parties hastily lodged complaints against each other and actually nothing had happened.

5. Learned counsel further submits that there was no protest petition filed by the complainant against the said final report and this complaint is subsequently filed by him with false allegations. He also submits that there was injunction

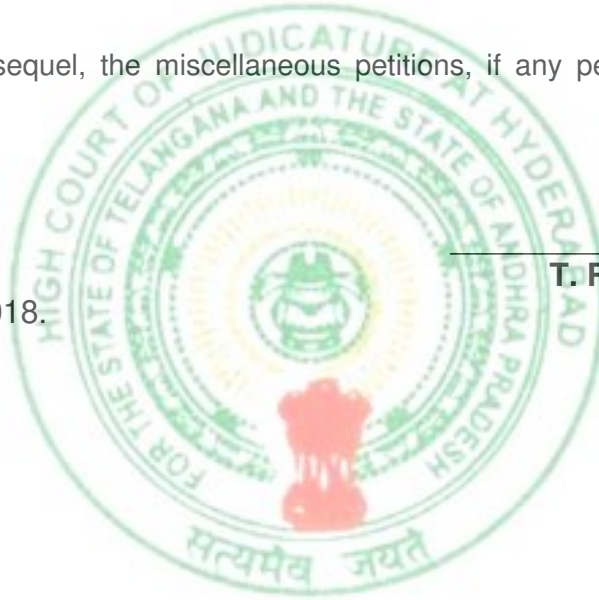
granted in favour of the 1<sup>st</sup> petitioner in O.S. No.56 of 2011 on the file of the Court of Principal Junior Civil Judge, Ponnur, which shows that the allegations in the complaint cannot be true that the incident occurred on 21.07.2011, but the report was given only on 10.08.2011; there being no explanation for the delay.

6. Hence, in view of the above facts, this Court opines that the complaint is filed only to somehow work out his other remedies.

7. Therefore, the Criminal Petition is allowed and all further proceedings in Crime No.103 of 2011 of Ponnur Rural Police Station, Guntur District, registered for the offences punishable under Sections 323, 506 of I.P.C. and Section 3(1)(x) of the Act of 1989 are hereby quashed.

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

Date: 18.09.2018.  
Dsh



**T. RAJANI, J**

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Date. 18.09.2018

**DSH**