

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Cr.P.No.11898 of 2017

ORDER:

This Criminal Petition, under Section 482 of Code of Criminal Procedure, 1973, is filed by the petitioner/accused, seeking the proceedings in Cr.No.128 of 2017 on the file of the Station House Officer, Ghanpur Mulug Police Station, Jayashankar (Bhupalapally) District.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor representing the 1st respondent-State and perused the record.

3. Initially, Cr.No.128 of 2017 was registered for the offences punishable under Sections 324 and 506 IPC. Thereafter, by way of alteration memo, Section 3 (i)(r) of the Scheduled Castes & the Scheduled Tribes (PoA) Amendment Act, 2015 (for short 'the Act') was added.

4. Learned counsel for the petitioner/accused would submit that as per the First Information Report, there is no mention of the petitioner-accused abusing the *de facto* complainant in the name of his caste to attract the provisions of Section 3 (i)(r) of the Act. The statement of the *de facto* complainant recorded under Section 161 Cr.P.C. is brought to the notice of this Court. There is no specific allegation attracting the provisions of Section 3 (i)(r) of the Act. The police without any material on record had added the

above provisions. The petitioner is falsely implicated in this case. The case requires investigation. Therefore, prayed to quash the proceedings.

5. Learned Assistant Public Prosecutor would submit that based on the report dated 5.9.2017, FIR was registered for the offences punishable under Sections 324 and 506 IPC. In view of the statement recorded by the police and as the petitioner/accused abused the de facto complainant in the name of his caste in public, the provisions of Section 3 (i)(r) of the Act are added.

6. The matter requires investigation. In view of change of provisions of law and in view of the allegations against the petitioner/accused, it is not appropriate to quash the proceedings.

8. In the circumstances, the Investigation Officer is directed to complete the investigation and file charge sheet without arresting the petitioner.

5. Accordingly, the Criminal Petition is disposed of.

Pending Miscellaneous petitions, if any, shall stand closed.

Dr. Shameem Akther, J

28th February, 2018
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