

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.171 of 2019

ORDER :

The petitioner is accused in Crime No.383 of 2018 of Jayashankar Bhupalapally Police Station, registered for the offences punishable under Sections 448, 324, 427 and 506 IPC and Sections 3(1)(r), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), dated 31.10.2018 and he seeking to quash the said crime proceedings, which are out come of the report of the 2nd respondent/*de facto* complainant, with his contentions in impugning the crime that there no sustainable accusation *prima facie* to register crime to keep it pending, leave it delay in occurrence from 24.10.2018 morning 07.00 AM to 31.10.2018 for the crime register at 2030 hours and it is nothing but concocted story, thereby, the petition is liable to be quashed.

Learned counsel for the 2nd respondent opposed the same by saying there is no explanation for the delay and there are no grounds to quash the proceedings, but for if at all in the event of police filing final report from the investigation.

Learned Public Prosecutor supported the submissions of the learned counsel for the 2nd respondent.

Heard and perused the material on record.

From the reading of the face value of the FIR there is nothing to say any basis touching the caste in public view to attract the offence under Section 3(1)(r) of the Act. Thereby, the registration of crime for the said offence is liable to be quashed.

Having regard to the above, but for that there is nothing to interfere with the crime and investigation pending, but for left open all defences in the event of police filing any final report and taken cognizance by the Special Judge.

Accordingly and in the result, the criminal petition is allowed in part by quashing the crime proceedings pending so far as the offence under Section 3(1)(r) of the Act. However, it is made clear that for all the offences are punishable above seven years, police shall follow Section 41-A Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

20.02.2019.
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