

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.524 OF 2019

ORDER:

The petitioner is shown as A-1 simply as Ravi and by mentioning as others in the Crime No.18 of 2019, dated 22.01.2019, registered by Tukaramgate Police Station, Hyderabad City, for the offences punishable under Section 3(1)(q)(zc) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2016 (for short, 'Act 1 of 2016'). The 2nd respondent is the *de facto* complainant. The petitioner is seeking to quash the said FIR pending with the police under investigation.

2. Heard learned counsel for the petitioner and the 2nd respondent as a party-in-person appeared also heard and also heard the learned Public Prosecutor representing the 1st respondent State and perused the quash petition grounds and the FIR with enclosures in the quash petition as part of the quash petition material.

3. The FIR, which is the Telugu written report of the *de facto* complainant, dated 22.01.2019, in registration of the same, reads that she is by name K.Jhansi Laxmi Bai, SGT in Government Primary School, Ambedkar Nagar, near Railnilayam, Marredpally Mandal, and in the Deputy I.O.S. Office in the same Marredpally Mandal, one clerk as a Junior Assistant-cum-Clerk Ravi, a BC by caste, working since 2013, who came on transfer to that seat and since then he is trying to attract only Scheduled Castes, Scheduled Tribes, Christians and Muslims. Earlier in their office, one Tulasi, contract employee, an ST by caste, was tortured along with Deputy I.O.S. and she could not choose to give complaint apprehending loosing of job. She further averred that she was suspended with unjust allegations, which she is not admitting

those and the suspension cause done by said Ravi by using three SC women (co-employees) including one a contract employee (according to the submission of the *de facto* complainant in the course of hearing in person). Some vigilance was kept against the *de facto* complainant and taken some videos and photos of her and sending to the phone of said Ravi. She further stated that her salary bill cause prepared by her through one Shyam Prasad. It is averred that for the past four years at Rs.500/- per month is stated to be given to Ravi. In the next para, what she averred is with deceiving allegations, she was suspended and later she was re-instated. Not only that, after re-instatement, she was transferred to Gowlipura of Bandlaguda Mandal, though she is resident of Ghatkesar area. It is further averred that on 05.12.2018, at the evening, she received the posting order. Later, there were holidays from 06.12.2018 to 09.12.2018 due to elections. On 10.02.2018, she made a request letter because of health problems and because it is a single parent school and also made a request by personally met. However, by simply postponing to consider without even human values and mercy by said Ravi of nothing in his hands in harassing her. It is further averred in next para that DEO Venkata Narasamma, BC by caste, and said Ravi, BC by caste, and because the *de facto* complainant is SC by caste and on knowing that she is going to file a case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against them, without even notice, deliberately they transferred her. She is working sincerely and even before arrival of DEO, she came to the school by 9.00 A.M., whereas DEO Venkata Narasamma made an allegation as if she did not attend the school at all and giving false propaganda. It is also stated even the enquiry covering by videography when she was giving statement, it was not covered by side tracking the phone coverage and intentionally she was suspended by the DEO and

harassing her only to save Ravi, clerk supra. In the next para, ultimately what she stated is on 30.08.2018 she was suspended and because it was with a pre-plan by thinking the same, she is losing sleep and spending sleepless nights and suffering with chest pain and a mental agony and she is feeling of very nearer to end of life. Thereby, asked to take action.

4. It is the sum and substance in registration of the crime by the police supra under Section 3(1)(q)(zc) of the Act 1 of 2016 supra.

5. Learned counsel for the petitioner, in the quash petition averments, stated that it is nothing but a false complaint by the *de facto* complainant to harass Ravi and the DEO for unsuccessful in getting re-transfer, even the transfer is part of the duties, with spite and ill-will and maliciously. Thereby, the same is liable to be quashed, leave about even on face value of allegations supra, no offence made out.

6. Whereas, the learned Public Prosecutor drawn attention to paras 1 & 2 of the very report of the *de facto* complainant referred supra saying Section 3(1)(q) of the Act 1 of 2016, applies though not Section 3(1)(zc) of the Act 1 of 2016 *prima facie* from the allegations that even one an ST employee Tulasi was also targeted in the hands of the accused person besides the *de facto* complainant from her say of with untrue allegations, she was kept under suspension and Ravi used three SC employees in cause suspending her. It is the submission therefrom that there are no grounds to quash the proceedings, that too the FIR, when investigation is at nasal stage.

7. For more clarity, it is necessary to reproduce Section 3(1)(q) of Act 1 of 2016, which reads that whoever, not being a member of a Scheduled Caste or Scheduled Tribe, gives any false or frivolous

information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or Scheduled Tribe and shall be punishable with imprisonment for a term, which shall not be less than six months, but which may extend to five years and with fine. There is no any finding of the DEO, of said accused Ravi given any false or frivolous information against the *de facto* complainant or against said Tulasi in cause suspending her including in the order of the DEO of subsequent revocation of suspension against the *de facto* complainant, so also, in the transfer proceedings in transferring her to Gowlipura of Bandlaguda Mandal. Once such is the case, on the face value of the allegations, even Section 3(1)(q) of Act 1 of 2016 has no application. Suffice to say, even from the face value of allegations, no offence under Section 3 of Act 1 of 2016 are applicable to the facts on hand.

8. Hence, the Criminal Petition is allowed quashing the crime proceedings against the petitioner and other accused without named in the FIR in the whole, for nothing with the police to keep the crime pending or to investigate.

Miscellaneous petitions pending, if any, in the criminal petition shall stand closed.

DR.B.SIVA SANKARA RAO, J

Date: 11th February, 2019

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