

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9544 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused seeking to quash the proceedings against him in FIR.No.405 of 2022 on the file of Station House Officer, Godavarikhani-I Town Police Station, Peddapalli District, registered for the offences punishable under Section 306 of Indian Penal Code (for short "IPC") and Section 3(2)(v) of SCs/STs (POA) Act, 1989.

2. Heard the learned counsel for the petitioner – Accused and Additional Public Prosecutor for the State - respondent. Perused the record.

3. The petitioner – Accused is questioning the correctness of the registration of the complaint for the aforesaid offences.

4. According to the complaint, this petitioner has taken the photographs and videos of the love marriage of the daughter of 2nd respondent – *de facto* complainant and though requested and pleaded the petitioner not to take photographs, the petitioner did

not heed to their request and subsequently, posted such photographs on social media and unable to bear the humiliation, her son committed suicide.

5. Learned Senior Counsel appearing for the petitioner would submit that upon reading of the complaint none of the ingredients either under Section 306 of IPC or Section 3(2)(v) of the SC & STs (POA) Act are made out. He further submits that since the section 3(2)(v) of the SC & STs (POA) Act makes it an offence when an offence under IPC is committed which prescribes for punishment for imprisonment of 10 years or above, and the offence under Section 306 is punishable up to 10 years the offence under Section 3(2)(v) of SC & STs (POA) Act, is not attracted.

6. For an offence under Section 306 of IPC, the Trial Court can sentence an accused for 10 years, as such it squarely falls within the meaning of Section 3(2)(v) of SC & STs (POA) Act. For the said reasons, the argument of the learned Senior Counsel that no offence under Section 3(2)(v) of the SC & STs (POA) Act, is made out if the offence is punishable up to 10 years, is not maintainable.

7. As seen from the entire complaint, there is no whisper in the complaint that any of these acts were done on the ground that such person/complainant is a member of SC/ST Community, as such, the offence *prima facie* under Section 3(2)(v) of the SC & STs (POA) Act, may not be attracted.

8. With the said observations, since there are no grounds to quash the FIR, this Criminal Petition is liable to be disposed of.

9. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

K.SURENDER, J

Date: 23.12.2022
rev/tk

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