

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11631 OF 2022

Between:

1. Chowkatvally Amar S/o Shiva Kumar
2. Madasu Sujeeth Rao @ Bittu, S/o M. Crist Das
3. Sri. Chitkula Nagaraju, S/o Lingamaiah
4. Baba Shivanand, S/o B. Vidyanand
5. Kammari Yogesh Chary, S/o Narsimha Chary
6. Lingala Eliya, S/o Late Lingala Ramulu

...PETITIONERS/ACCUSED 1 TO 6

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of the State of Telangana at Hyderabad.
2. Lingala Prasad, S/o Padma Rao, aged 38 years, Occ. Business, R/o H.No.3-146, Hydershakote village, Gandipet Mandal, R.R.District.

...RESPONDENT/COMPLAINANTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings against the petitioners in S.C.No.23 of 2021 on the file of Special Judge for SC/STs (POA) Act, Addl. Sessions Judge at L.B.Nagar, R.R.District.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings against the petitioners in S.C.No.23 of 2021 on the file of Special Judge for SC/STs (POA) Act, Addl. Sessions Judge at L.B.Nagar, R.R.District. and to pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri DEEPAK KUMAR SHARMA, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11631 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 petitioners-Accused Nos.1 to 6 to quash the proceedings against them in SC No.23 of 2021 pending on the file of Special Judge for SC/STs (POA) Act-cum-Additional Sessions Judge at L.B.Nagar, Ranga Reddy District. The offences alleged against them are under Sections 326, 147, 148 read with Section 149 of Indian Penal Code (for short "IPC") and Sections 3(1)(r)(s) and 3(2)(v) of SC/ST (POA) Act-2015.

2. Heard learned counsel for the petitioners – Accused Nos.1 to 6 and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.

3. Learned counsel for the petitioners submits that all these petitioners who are Accused Nos.1 to 6 also belong to ST caste, as such, the question of attracting the provisions under SC/ST Act does not arise. He further submits that the 2nd petitioner – Accused

No.2 in fact filed a complaint against the 2nd respondent – informant, however, no action was taken. He also submits that there is a civil case pending, in which, the petitioners obtained an injunction order from the civil Court, for which reason, the present complaint is filed.

4. In the said circumstances, the fact as claimed by these petitioners that they belong to ST caste shall be initially determined by the concerned Court before proceeding with the trial. The other factors can also be determined during the course of discharge application if filed by these petitioners.

5. With the said observations, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Judge for SC/STs (POA) Act, Addl. Sessions Judge at L.B.Nagar, R.R.District.
2. The Station House Officer, Rajendranagar Police Station, Cyberabad.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI. DEEPAK KUMAR SHARMA Advocate [OPUC]
5. Two CD Copies

VH
plp
BSK

HIGH COURT

DATED: 26/12/2022

ORDER

CRLP.No.11631 of 2022



Disposing of the Criminal Petition

8 Copies

Bsk
9/1/23