

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 164 OF 2022

Between:

P.Nagamani, W/o. Late Prasada Rao, Age. 55 years, Occ. Govt.Service, R/o. H.No.8-132, Sri Shivanarayanapuram, Badangpet Saroornagar, R.R District.

...PETITIONER/ACCUSED

AND

1. State Telangana, Rep by Public Prosecutor High Court, Hyderabad.
2. Smt. Seshakumari, W/o. E. Ratna Prasad, Age 56 years, Occ . Govt.Service, R/o. 9-1-164/2/A, Laxmiguda, Rajendranagar, R R District

...RESPONDENTS/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 in SC/SPL/92/2021 on the file of VI MSJ, Secunderabad filed against the petitioner alleging offences U/s 509 IPC and Section 3(1)(r)(s) SC/ST POA Act.

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 grant Stay of all further proceedings in SC/SPL/92/2021 on the file of VI MSJ, Secunderabad, Hyderabad filed against the petitioner alleging offences U/s 509 IPC and Section 3(1)(r)(s) SC/ST POA Act.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C.M.R. Velu, learned counsel for the Petitioner and of Smt. D. Madhavi, learned Asst. Public Prosecutor on behalf of the Respondent No.1 and of Sri Manne Venugopal, learned counsel for respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.164 of 2022

ORDER:

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings against her in SC/SPL/92/2021 on the file of the learned VI Metropolitan Sessions Judge, Secunderabad.

02. The case of the complainant/respondent No.2 is that she is working as Junior Assistant in the office QQSUDA and she belongs to SC community. On 14.07.2021 and 24.07.2021, the accused who is Brahmin used filthy language against the complainant and another in the presence of co-workers. Based on the complaint lodged by respondent No.2, police registered a case in Cr.No.136 of 2021 for the offences punishable under sections 509 of IPC and Section 3(1) (r) and Section 3(2) (Va) of SC and ST (POA) Act.

03. Heard M/s. CMR Velu, learned counsel for the petitioner and Smt.D.Madhavi, learned Assistant Public Prosecutor for respondent-State and Sri Manne Venugopal, learned counsel for respondent No.2. Perused the record.

04. Learned counsel for the petitioner submitted that according to the complainant, the alleged incident took place on 14.07.2021 and 24.07.2021 and the complainant lodged the complaint on 25.08.2021 after more than a month without explaining the reasons for delay in lodging the complaint. Further the complainant is a Government employee and the distance from the office to police station is 1.5 kms and as held in **Dilawar Singh v. State of Delhi**¹, the Hon'ble Supreme Court at Paragraph No.8 held that:

"In criminal trial one of the cardinal principles for the Court is to look for plausible explanation for the delay in lodging the report. Delay sometimes affords opportunity to the complainant to make deliberation upon the complaint and to make embellishment or even make fabrications. Delay defeats the chance of the unsoiled and untarnished version of the case to be presented before the Court at the earliest instance. That is why if there is delay in either coming before the police or before the Court, the Courts always view the allegations with suspicion and look for satisfactory explanation. If no such satisfaction is formed, the delay is treated as fatal to the prosecution case."

¹ AIR 2007 SC 3234

05. It is further submitted that the incident took place at 12.11 PM on 24.07.2021 in the office premises. To attract the provisions of Section 3 (1) (r) of the SC/ST(POA) Act, it is necessary that it should be in a place where public could view the incident as per the decision held in **Chandra Poojari v. State of Karnataka**², the entire proceedings are quashed and the petitioner is discharged, wherein in paragraph No.7 it was held as:

"To attract the provisions of Section 3 of the Act, it is necessary that it should be in a place where public could view the incident. In support of this argument, the learned counsel for the petitioner has drawn my attention to the decision rendered by this Court in Cr.P.1449/95 between B.N.Channegowda v. State of Karnataka dated 27.1.1997, wherein this Court has held:

"It is also stated that all these words were uttered in the private chamber of the petitioner and not in public view and no other person was present."

06. Learned counsel further submits that the complainant has lodged the complaint with a delay of more than one month and the complainant has not approached any of the superior officers in the department and the very lodging of the complaint is

² 1998 Cri.LJ 53 (Kar)

malafide, illegal and abuse of process of SC/ST(POA) and the process of law and the ingredients of the offence are not made out and prayed to allow the criminal petition.

07. Learned Assistant Public Prosecutor submitted that there are specific allegations against the petitioner and prayed to dismiss the petition.

08. On perusal of the material on record, it is evident that the defacto complainant has lodged a complaint with a delay of more than one month for which there is no explanation. Further the petitioner and 2nd respondent are the colleagues in office who are working together and there is no complaint lodged with the superiors of the department and there is no public view of the incident. Further as per the statements of the witnesses, it appears that the petitioner has not uttered the caste name of the defacto complainant. In view of the said submissions and principles laid down in the judgment of the Hon'ble Apex Court, the ingredients of the offence are not made out. Therefore, the proceedings in SC/SPL/92/2021 on the file of the learned VI Metropolitan Sessions Judge, Secunderabad are liable to be set aside.

09. Accordingly, this Criminal Petition is allowed and the proceedings against the petitioner-accused in SC/SPL/92/2021 on the file of the learned VI Metropolitan Sessions Judge, Secunderabad, are hereby quashed.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The VI Metropolitan Sessions Judge, Secunderabad,
2. The Station House Officer, Dabeerpura Police Station, Hyderabad city District.
3. One CC to Sri C.M.R. Velu, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD copies.

BJLB/DL



HIGH COURT

DATED:10/03/2025

ORDER

CRLP.No.164 of 2022



CRIMINAL PETITION IS ALLOWED

⑧
kpr
5/5/25