

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 11517 OF 2025

Between:

1. Gundaveni Ramesh, S/o Gangadhar Aged. 29 years, Occ. Press Reporter
R/o. No. 1-4-336, Metpally , Jagityal District Telangana - 505325

...PETITIONER/ACCUSED

AND

1. The State of Telangana,, Rep.by the Public Prosecutor High Court,
Hyderabad
2. Rajanala Madhu Kumar, S/o Jayanandam Age. 28 years, Occ. Ex M.P.T.C
R/o Maithapur (v), Raikal Mandal Jagityal District Telanganana, Pincode -
505459

...RESPONDENT/DEFACTO COMPLAINANTS

Petition under Section 528 of BNSS 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.30/2025 on the file of the court of Honble Special Judge for Trial of Cases under the SCs and STs (POA) Act-cum-III Addl. Dist and Sessions Judge, Karimnagar

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS 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 proceedings including the appearance and personal attendance of the Petitioner/Accused in SC.SPL.30/2025 on the file of the court of Honble Special Judge for Trial of Cases under the SCs and STs (POA) Act-cum-III Addl. Dist and Sessions Judge, Karimnagar, pending disposal of the above criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KARAM CHENDU KOMIREDDY ,Advocate for the Petitioner and Sri. Jithender Rao Veeramalla the Addl.Public Prosecutor (TG) on behalf of the Respondent No.1.

The Court made the following: ORDER

THE HONOURABLE Smt.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.11517 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-accused seeking to quash the proceedings in SC SPL No.30 of 2025 on the file of the Special Judge for trial of cases under SCs & STs (PoA) Act cum III Additional District & Sessions Judge, Karimnagar, for the offences under Section 352 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC & ST Act').

2. Heard Sri Karam Chandu Komireddy, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. The case of the prosecution is that the accused was working as a News Reporter in Metpally and that a panchayat was held on 21.11.2024 in his village with regard to the marital disputes between one Pasula Rajender and his wife Pasula Varshini, the petitioner came on behalf of P.Varshini and abused the de facto complainant in filthy language by taking his caste name knowing that he is a member of SC community. Thus, it is alleged that he intentionally insulted the de facto complainant with an intention to

provoke breach of peace. Hence, he is facing allegations under Sections 352 of the BNS and Section 3(1)(r)(s), 3(2)(va) of the SC & ST Act.

4. Learned counsel for the petitioner has submitted that the respondent No.2-de facto complainant is Ex-MPTC and he mediated the disputes between the petitioner and his wife. The petitioner also belongs to ST (Yerukula) community and that the allegations under SC and ST Act are not made out against the petitioner herein. He further submitted that in view of the judgment delivered by a Division Bench of this Court in **Sabbella Siri Manjoosha Reddy v. State of Andhra Pradesh**¹, the community certificate issued in his favour declaring that he belongs to Yerukula caste (ST) cannot be ignored and it is a settled issue and thus, the allegations under SC and ST Act against him are not tenable and prayed to quash the proceedings against the petitioner.

5. Learned Additional Public Prosecutor has submitted that the petitioner has two caste certificates one revealing that he belongs to ST (Yerukula) community while the other shows that he belongs to BC-D (Mudiraj) community. He further stated that the prosecution could record the statements of the witnesses including

¹ WP No.24880 of 2016 dated 02.08.2016

the eye witness for panchanama, which clearly make out the allegations against the petitioner and therefore, prayed to dismiss the petition.

6. Perused the record.

7. Though the learned counsel for the petitioner contends that the petitioner also belongs to ST community and thus, the provisions under SC and ST Act does not get attracted against him, a perusal of the record reveals that there are two caste certificates obtained by the petitioner herein. The strength of these documents would be tested during the course of trial. The evidence of the eye witnesses i.e. LWs.2 to 4 also need to be subjected to trial. The learned counsel for the petitioner has placed reliance upon the judgment of a Division Bench of this Court **Sabbella Siri Manjoosha Reddy v. State of Andhra Pradesh** (cited supra) contending that the petitioner belongs to ST community to which his mother belongs, and that he was brought up by his mother and thus, the circumstances under which he brought up would determine his caste. However, it is already held supra that it is a triable issue. Hence, the said decision cannot be applied to this case at this stage. The petitioner himself has addressed a letter to the Collector, Jagtial mentioning that in all his educational certificates, it is mentioned that

he belongs to Yerukula community, but due to unfortunate reasons, in the year 2024 in Raikal Police Station a case was registered against him under the provisions of SC and ST Act and in respect to that case, the Tahsildar office of Metpally, issued a BC-D certificate in his name. Hence, he requested to enquire into the matter. However, that matter cannot be considered at this juncture. Since all these issues fall for consideration before the trial court during the course of trial, it is deemed appropriate to dispose of the petition by dispensing with the attendance of the petitioner before the trial court.

8. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioner before the trial court provided he is represented by a counsel on every date of hearing before the trial court and he shall appear before the trial court as and when his presence is required during the course of trial.

Miscellaneous Petitions, if any pending, shall stand closed.

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for Trial of Cases under the SCs and STs (POA) Act-cum-III Addl. Dist and Sessions Judge, Karimnagar.
2. The SHO Raikal Jagityal District, Telanganana,
3. One CC to SRI. KARAM CHENDU KOMIREDDY Advocate [OPUC]
4. One CC to SRI. PUBLIC PROSECUTOR Advocate [OUT]
5. Two CD Copies

PK/PSL

HIGH COURT

DATED:17/10/2025



DISPOSED OFF

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