

(2011) 09 AP CK 0025

Andhra Pradesh High Court

Case No: Criminal Petition No. 4036 of 2009

Nerella Veeranjanyulu and
Others

APPELLANT

Vs

The State of A.P. and J.
Balaswamy

RESPONDENT

Date of Decision: Sept. 29, 2011

Acts Referred:

- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3, 3(1)

Citation: (2012) 1 ALT(Cri) 42

Hon'ble Judges: B. Chandra Kumar, J

Bench: Single Bench

Advocate: S. Satyanarayana Moorthy, for the Appellant; N. Subba Rao Advocate for the Respondents 2 and 3, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

B. Chandra Kumar

1. Heard the Learned Counsel for respondents Nos. 2 and 3 and Public Prosecutor. No representation for the petitioners.
2. Petitioners herein are the accused in Cr. No. 64 of 2009 of Police Station Phirangipuram, Guntur District. They filed this petition to quash the proceedings of the above referred First Information Report.
3. The brief facts of the case are that the 2nd respondent herein Dasari Anjaiah lodged a complaint alleging that he and the another complainant Jagannatham Balaswamy belong to Erukala Caste (Scheduled Tribe) and that they purchased land in D. NO. 79/A1 to an extent of Ac. 1.00 cents through registered sale deed and

enjoying the same since six years. The said land is adjacent to the land of 1st petitioner herein Nerella Veeranjanyulu. It is also the case of the complainants that they got the land surveyed by the Surveyor and obtained necessary Certificate from the Surveyor. It is also their case that the accused No. 1 i.e., petitioner No. 1 herein did not get his land measured and claiming the land purchased by the complainants. It is also alleged that the accused i.e., the petitioners herein viz., Nerella Veeranjanyulu, Nerella Venkata Koteswara Rao, Nerella Baleswara Rao, N. Sreenivasa Rao and N.V. Srikanth @ Anand entered into their land, abused them in filthy language in the name of their Caste and threatened them. It is also their case that their documents are genuine and therefore, requested to take action.

4. Basing on the said complaint, the police of Phirangipuram registered a case in Cr. No. 64 of 2009 for the offence punishable u/s 3(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act).

5. As seen from the pleas taken by the petitioners in their petition, wife of the 1st petitioner seems to have lodged a complaint to the police on 02.04.2009 stating that she filed a civil suit in O.S. No. 65 of 2009 against the complainants herein and others for declaration and for consequential relief of permanent injunction in respect of the suit schedule property in D. No. 79/A1 to an extent of Ac. 1.00 cents of land with specific boundaries and after filing the said suit, the respondents herein were threatening to file a false complaint under the provisions of the Act. The above referred complaint was lodged on 21.05.2009 by respondents Nos. 2 and 3 herein. It is also her case that she approached the Assistant Director, District Survey and Land Records, Guntur and requested him to survey the land and fix the boundaries.

6. There is nothing on record to show that no offence is made out as per the allegations made in the First Information Report. Unless the allegations made in the First Information Report or the complaint do not prima facie constitute any offence or make out a case against the accused, no interference is required by this Court. Moreover, the authorities and the police officers must consider that the Section 3(1)(iv) of the Act envisages that whoever not being a member of a Scheduled Caste or a Scheduled Tribe, wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or Schedule Tribe or gets the land allotted to him transferred, shall be punishable with imprisonment under the provisions of the said Act. Therefore, wherever a Scheduled Tribe or Scheduled Caste is wrongfully dispossessed or where any interference is made with their enjoyment of their rights over the land, premises, the authorities should register the case under the relevant provisions and not merely u/s 3(x) of the Act.

7. In view of the above discussion, I hold that there are no merits in the petition.

8. Accordingly, the Criminal Petition is dismissed.