

**THE HON'BLE SRI JUSTICE G. KRISHNA MOHAN REDDY**

CRIMINAL PETITION No.591 of 2012

ORDER:

1. This Criminal Petition has been preferred by the petitioner- complainant under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C) to call for records in proceedings in C.No.2241/C3/2011, dated 03.11.2011 on the file of the respondent No.11 and set aside the same.

2. Whereas the petitioner herein is the complainant, the respondents 2 to 10 herein are A1 to A9 in Crime No.27 of 2011 of P.S. Kothuru, Srikakulam. For convenience, the parties hereinafter be referred to as they are referred in that Crime.

3. The facts which are to be considered for disposal of this petition are as follows. The petitioner gave report to the Station House Officer, Kothuru against A1 to A9 for offences punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Special Act) and under Sections 324 and 323 read with 34 of the Indian Penal Code, 1860 (IPC). After conducting necessary investigation, Section 3(1)(x) of the Special Act was deleted whereas in respect of the offences punishable under Sections 324 and 323 read with 34 IPC, corresponding charge sheet was filed against A8 and A9 only, which was registered as C.C. No.294 of 2011 (C.C.) on the file of the Court of Judicial Magistrate of First Class, Pathapatnam. The complainant filed protest petition thereafter in respect of offences punishable under Section 447, 324 and 323 read with 34 IPC and Sections 3(1)(v) and 3(1)(x) of the Special Act and the Court below had accordingly taken the case on file against A1 to A9 and numbered it as P.R.C. No.12 of 2012.

4. In fact as per the impugned proceedings issued by the Superintendent of Police, Srikakulam, necessary investigation was done but no case was made out under the provisions of the Special Act, whereas *prima facie* case against Agathamudi Padmavathi,

Agathamudi Chalapathirao (A8) and Nadiminti Balakrishna (A9) for the offences punishable under Sections 324 and 323 read with 34 IPC was made out following which the corresponding charge sheet was filed.

5. Learned counsel for A1 to A9 has contended that when a complaint was filed, and it was investigated into, and the corresponding charge sheet or final report was filed which was numbered as C.C. or closed, the complainant has got alternative remedy to take steps under Section 202 Cr.P.C. approaching the Court and hence the question of quashing the final report does not arise at all and the petition is not proper.

6. Learned counsel for the petitioner-complainant has contended that the complainant wants to take steps for contempt of court against the Police concerned on the ground of violating the order issued by this Court staying all the proceedings including the investigation of the case. But he has not pressed very much the plea taken in this petition.

7. In the circumstances, the question of staying and quashing the impugned proceedings does not arise at all. In fact interim stay was granted by this Court including the stay of arrest of A1 to A9, by order dated 15.6.2011 in CrI.M.P.No.4622 of 2011 in Criminal Petition No.4531 of 2011 filed by them. Further, the impugned proceedings were issued by the Superintendent of Police, Srikakulam to the Administrative Officer, Nyaya Seva Sadan, Hyderabad informing about the investigation already done by the concerned Police Officials in the case, forwarding a copy of it to the Commissioner of National Commission for Scheduled Castes. It appears that the Commission by letter No.2/30/11/AP-RU, dated 19.11.2011 informed the complainant about the impugned proceedings sending a copy of it and also advising to submit counter petition if not satisfied with the impugned proceedings for necessary action. Further, when the Police already conducted necessary investigation and filed the corresponding report

under Section 173(2) Cr.P.C., the party aggrieved got alternative remedy by virtue of Section 202 Cr.P.C to protest that report before the jurisdictional Magistrate and take necessary other measures. Hence the petition is not tenable.

8. For the reasons mentioned above, the criminal petition is dismissed.

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**(G. KRISHNA MOHAN REDDY, J)**

September 28, 2012  
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