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APHC010217472023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3327]

FRIDAY, THE 17th DAY OF JULY 2026

PRESENT

**THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 3174/2023**

Between:

- 1.Y.PRAVEEN KUMAR, S/O Y.NAGI REDDY AGED ABOUT 36 YEARS OCC. SUB INSPECTOR OF POLICE DHONE TOWN PS, DHONE TOWN KURNOOL DISTRICT. PRESENTLY WORKING AS SUB INSPECTOR VIGILANCE, TRANSCO, KURNOOL.
- 2.G.SUDHAKAR, S/O CHINNA LAXMANNA AGED ABOUT 31 YEARS OCC. CONSTABLE PC NO 3565, DHONE TOWN PS DHONE, KURNOOL DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR HIGH COURT AT AMARVATHI.
- 2.Y RAMMOHAN, S/O. Y.RAMALINGANNA AGED ABOUT 50 YEARS OCC. POLICE HEAD CONSTABLE 2473 INDIAN HINDU ST , YERUKALA BY CASTE DHONE PS, DHONE TOWN, NEAR AYYAPPA SWAMY TEMPLE KURNOOL DISTRICT

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtpleased to to call for the records relating to SC/ST SC No. 2/2023 on the file of VI Addl. sessions Judge cum Special court for the trial of cases under ST ST (POA) Act at Kurnool including the cognziance dated 5.1.2023 and to quash the same against the petitioners/A1 and A2 and pass

IA NO: 1 OF 2023

Petition under Section 482 of Cr.P.C and 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 further proceedings in SC/ST SC No. 2/2023 on the file of VI Addl. sessions Judge cum Special court for the trial of cases under ST ST (POA) Act at Kurnool including cognizance order dated 5.1.2023 and pass

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to vacate the order granted by this Hon'ble Court in IA. No. 01 of 2023 in CRLPNo.3174 of 2023, dated 02.05.2023 and dismiss the CRLP.3174 of 2023 and pass

Counsel for the Petitioners/accused:

Sri S.Dushyanth Reddy for Sri Gudi Madhusudhan Reddy

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR (AP)

2. CHALASANI AJAY KUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**CRIMINAL PETITION NO: 3174 OF 2023****ORDER:**

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners/ Accused Nos.1 and 2, to quash the proceedings in SC/ST Sessions Case No.2 of 2023 on the file of the learned VI Additional District and Sessions Judge-cum-Special Judge for trial of Cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Kurnool (for brevity 'the learned Special Judge'), arising out of a complaint filed by 2nd respondent/complainant under Section 200 of the Code of Criminal Procedure, 1973, which was taken on file by the learned Special Judge for the offences punishable under Section 506 read with 34 of the Indian Penal Code, 1860 (for brevity 'IPC') and Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015 (for brevity 'the Act, 2015').

2. The allegations in the complaint, in brief, are as follows.

Respondent No.2/complainant was working as a Head Constable in Dhone Town Police Station from the year 2019, as an attached DO (Duty Order), from Kowthalam Police Station to Dhone Town Police Station since 2019; that the accused No.1 was working as Sub-Inspector of Police, and accused No.2 was working as a Constable, in the same police station and they belong to Reddy and Yadava caste, respectively.

On 22.03.2022, basing on some allegations, the Superintendent of Police, Kurnool suspended the respondent No.2/ complainant; that on 31.03.2022 at about 9.20 a.m., while the accused Nos.1 and 2 were proceeding on a motorcycle near K.E.Jayanna House, Kothapeta, near Ayyappa Swamy Temple, Dhone Town, the respondent No.2/complainant asked accused No.1 as to why he got him suspended and what was his fault, and on that, accused Nos.1 and 2 were alleged to have abused him by touching his caste stating that 'నువ్వెందీరా మమ్మలను అడిగేదిరా, ఏరుకుల నా కొడకా, నీ బ్రతుకెంతరా, మీకే ప్రమోషన్స్ వచ్చేది కదరా, మేమే వెనుకకుపోతున్నాము కదరా', so saying the accused Nos.1 and 2 were alleged to have threatened the respondent No.2 /complainant with dire consequences; that L.W2/Ediga Jayamma, L.W3/Chakali Prasad and L.W4/Boya Shankar

witnessed the incident and when the same was questioned, accused Nos.1 and 2 were alleged to have uttered as 'ఈ ఎరుకలి నా కొడుకుది ఎక్కువైంది' and they were alleged to have warned them too, as to not to reveal to anybody. Though the respondent No.2/complainant made a complaint to the Superintendent of Police, Kurnool, the Sub-Divisional Police Officer, Dhone and the District Collector, Kurnool, no action was taken by them against the accused Nos.1 and 2. Hence, the private complaint.

3. The learned Special Judge, *vide* Order dated 05.01.2023 in CFR No.2098 of 2022, took the complaint on file against the accused Nos.1 and 2 as SC/ST Sessions Case No.2 of 2023 on the file of the learned VI Additional District and Sessions Judge-cum-Special Judge for Trial of Cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Kurnool. Challenging the same, the present Criminal Petition came to be filed, seeking the Court to quash the proceedings in said Sessions Case.

4. This Court *vide* Order dated 02.05.2023 in I.A.No.1 of 2023 granted *interim* stay of all further proceedings against the petitioners/A1 and A2 in SC/ST Sessions Case No.2 of 2023

pending on the file of the learned Special Judge. The respondent No.2 /complainant filed petition, praying the Court to vacate the *interim* stay.

5. It is the contention of learned counsel for the petitioners/A1 and A2 that on 07.03.2022 the Inspector of Police, Dhone Urban Police Station submitted report, stating *inter alia* that respondent No.2/complainant, working as Head Constable in Dhone Police Station, was not discharging his duties effectively, and according to the report, one Pilaka Ravi and Katika Ramana were indulging in illegal activities like Ganja, Matka etc., and the staff of Dhone Police Station made best efforts to catch hold them, but the same proved futile, and on suspicion, police verified Call Details Records (CDR) of 2nd respondent /complainant and came to conclusion that 2nd respondent/ complainant colluded with the said Pilaka Ravi and Katika Ramana and as and when raids were proposed to be conducted, the said information was passed on, by 2nd respondent/complainant to them.

According to learned counsel, the CDR shows that 2nd respondent/complainant and aforesaid persons are frequently

in touch with each other, and there were as many as 46 calls during the period from 03.01.2022 to 09.02.2022 from his personal phone, and in respect of other person *i.e.* Katika Ramana, upon analysis of CDR of said Ramana, it was found that 2nd respondent/complainant made about 466 phone calls to him from 01.08.2021 to 31.01.2022, on that 2nd respondent / complainant reprimanded his illegal activities with anti-social elements and passing of information to them as and when raids were likely to be conducted. Learned counsel submits that pursuant to the said illegal activities of 2nd respondent /complainant, a disciplinary action was initiated against respondent No.2/complainant, and in pursuance of the Report submitted by the Inspector of Police, the Superintendent of Police, Kurnool suspended 2nd respondent *vide* Order dated 10.03.2022.

6. The learned counsel further contended that 2nd respondent was under the impression that he was suspended at the behest of 1st petitioner/A1 informing the Inspector of Police, who in turn submitted the report to the Superintendent of Police, Kurnool, which led to his suspension, and upon that, on 31.03.2022 at about 9.20 a.m. 2nd respondent /complainant

abused the petitioners /A.1 and A.2 while they were proceeding on motorcycle at about 9.30 a.m. stating that because of the petitioners/A1 and A2, he lost his job. Having abused the petitioners/A1 and A2, surprisingly, 2nd respondent made a complaint to the authorities and also made a private complaint at a belated stage as against the petitioners/A1 and A2 for the aforesaid offences.

7. Learned counsel for the petitioners/A1 and A2 would further contend that L.W.2-Ediga Jayamma, L.W.3-Chakali Prasad and L.W.4- Boya Shankar, who were listed as witnesses in the private complaint, are accused in so many cases and their statements against the petitioners /police officers are not trustworthy. Learned counsel would further contend that the case of the petitioners/A1 and A2 is squarely covered within the observations of the Hon'ble Apex Court in *State of Haryana v. Ch.Bhajanlal and Ors.*¹ case, and as a counterblast to the report submitted by the Inspector of Police, upon the information furnished by the petitioners, which led to his suspension, thinking that petitioners/A1 and A2 are behind the said report, 2nd respondent made this false complaint, only with a view to

¹ AIR 1992 SC 604.

wreck vengeance against the petitioners/A1 and A2, filed the complaint after lapse of 20 days.

8. On the other hand, learned counsel for 2nd respondent / complainant submits that irrespective of the facts of the case, when the allegations in the private complaint are specific, truth or otherwise of the same, has to be decided in the course of trial. He further submitted that on the date of the incident, 2nd respondent/complainant made a complaint before police, and when the police refused to accept the same, 2nd respondent resorted in filing the present private complaint. Hence, it is prayed to dismiss the Criminal Petition.

9. Learned Special Assistant Public Prosecutor appearing for respondent No.1/State too concurred with the submissions made by the learned counsel for the respondent No.2/complainant. Hence, it is prayed to dismiss the Criminal Petition.

10. Heard the learned counsel for the petitioners/A1 and A2, learned Special Assistant Public Prosecutor for respondent No.1/State and learned counsel for respondent

No.2/complainant, and perused the entire material available on record.

11. The offences alleged against the petitioners/A1 and A2 are Section 3 (1) (r) (s) of the Act, 2015 and Section 506 of IPC. Under Section 3 (1) (r) & 3 (1) (s) of the Act, 2015, whoever, not being a member of a Scheduled Caste or a Scheduled Tribe, intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view, and abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view, is punishable. The essential ingredients of the offence punishable under Section 506 of IPC are that the accused threatens someone with injury to his person, reputation or property, or to the person, reputation or property of another in whom the former was interested and the accused did so with intent to cause alarm to the victim of offence and to cause the victim to perform any act which he was not legally bound to do.

12. In the case on hand, the allegation is that on 31.03.2022 at about 9.20 a.m., while the respondent No.2 /

complainant was proceeding near house of one K.E.Jayanna in Kothapet, Dhone, on his personal work, he saw the petitioners/A1 and A2, who were allegedly proceeding on a motorcycle at the same time, and the respondent No.2 /complainant was alleged to have questioned the petitioners / A1 and A2 as to why they got him suspended and what were the mistakes committed by him, and on that, the petitioners /A.1 and A.2 are alleged to have abused him touching his caste. According to 2nd respondent/ complainant, the said incident was witnessed by three witnesses viz. L.W.2- C.Prasad, L.W.3- Ediga Jayamma and L.W.4-Boya Shankar. A perusal of the statements of L.W.2-C.Prasad, L.W.3- Ediga Jayamma and L.W.4-Boya Shankar goes to show that on 31.03.2022, while they were passing nearby the scene of offence, they found the petitioners/A1 and A2 and respondent No.2/complainant shouting at each other, and that when the aforesaid listed witnesses questioned the petitioners/A1 and A2 about the same, petitioners/A1 and A2 were alleged to have abused the respondent No.2/ complainant touching his caste and also threatened them to go away.

13. It is the contention of learned counsel for the petitioners/A1 and A2 that the respondent No.2 /complainant was suspecting that the petitioners/A1 and A2 are the persons behind his suspension and to wreck vengeance against them, concocted a false story, by arraying the aforesaid witnesses, who got chequered history, and roped the petitioners/A1 and A2 into the false case that they abused him touching his caste. Learned counsel for the petitioners/A1 and A2 would further contend that the learned Special Judge, basing on the statements of witnesses, who were having chequered history, without verifying the truthfulness of the allegations or otherwise, erred in straightaway taking cognizance of the case and ordering to issue summons to the petitioners/A1 and A2.

He placed reliance on the proposition of law laid down in *Sujoy Ghosh v. State of Jharkhand and another*², wherein the Hon'ble Apex Court held as under: (paragraph Nos.13 and 14)

"13. The principles governing summoning of an accused in a criminal case as well as parameters for quashing criminal proceedings are well-settled. Summoning of an accused in a criminal case is a serious matter and criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two

² 2026 SCC OnLine SC 454.

witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect application of mind to the facts of the case and the law applicable thereto. The Magistrate must carefully scrutinize the evidence brought on record and determine whether any offence is prima facie made out. The Magistrate may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise, and then examine if any offence is prima facie committed by all or any of the accused³.

14. When an accused seeks quashing of either the FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious or malicious, the Court is duty bound to examine the matter with greater care. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments and, if need be, with due care and circumspection, and try to read in between the lines. The Court while exercising its Jurisdiction under Section 482 of the Code or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation⁴.

³ Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749 : 1998 SCC (Cri) 1400 and Vikas Chandra v. State of Uttar Pradesh, 2024 SCC OnLine SC 1534.

⁴ Mohd. Wajid v. State of Uttar Pradesh (2023) 20 SCC 219.

He also placed reliance on the proposition of law laid down in *Mohd. Wajid and another v. State of Uttar Pradesh*⁵, wherein the Hon'ble Apex Court held as under: (paragraph Nos.35 to 37)

*“35. However, as observed earlier, the entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in **Bhajan Lal**¹. The parameters are: (SCC pp.378-79, para 102)*

“102. ... (1) where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code;

(3) Where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

⁵ (2023) 20 Supreme Court Cases 219 : 2023 SCC OnLine SC 951.

(6) *where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;*

(7) *where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

Placing reliance on the aforesaid decisions and in the facts and circumstances of the case, he submits that the present complaint is manifestly frivolous, vexatious and malicious, and it is manifestly attended with *mala fides* and is maliciously instituted with an ulterior motive for wrecking vengeance on the petitioners due to personal grudge.

14. On the other hand, learned counsel for the respondent No.2/complainant would contend that at first instance, the respondent No.2/complainant reported the incident to police officials, but they did not take any action against the petitioners/A1 and A2, and as such, he resorted to file private complaint against them, and that there are specific accusations, and truth or otherwise of the allegations levelled in the complaint against the petitioners/A1 and A2, has to be seen

at the time of trial, but could not be tested at this stage. He placed reliance on the proposition of law laid down in *Swaran Singh and Others v. State through Standing Counsel and another*⁶, wherein the Hon'ble Supreme Court held as under: (paragraph No.8)

"8.It may be noted that the trial has still to be held and the appellants will have an opportunity of establishing their innocence in the trial. At this stage all that the High Court can see in the petition under Section 482 CrPC or in a writ petition, is whether on a perusal of the FIR, treating the allegations to be correct, a criminal offence is prima facie made out or not or whether there is any statutory bar vide Indian Oil Corpn. v. NEPC India Ltd.⁷ (vide SCC para 12), State of Orissa v. Saroj Kumar Sahoo⁸ (vide SCC Paras 9 and 10), etc. At this stage the correctness or otherwise of the allegations in the FIR has not to be seen by the High Court, and that will be seen at the trial. It has to be seen whether on a perusal of the FIR, a prima facie offence is made out or not.

He also placed reliance on the proposition of law laid down in *Buddha Prakash Bouddha v. State of Madhya Pradesh and*

⁶ (2008) 8 Supreme Court Cases 435 : (2008) 3 Supreme Court Cases (Cri) 527 : 2008 SCC OnLine SC 1245.

⁷ (2006) 6 SCC 736 : (2006) 3 SCC (Cri) 188.

⁸ (2005) 13 SCC 540 : (2006) 2 SCC (Cri) 272.

others⁹, wherein the High Court of Madhya Pradesh held as under: (paragraph No.12)

“12.The Supreme Court has consistently held that at the stage of considering a prayer for quashing of an FIR, the Court is required only to examine whether the allegations, taken at face value, disclose the commission of any cognizable offence. In State of Haryana v. Bhajan Lal¹, the Court laid down that quashment is justified only in the rarest of rare cases where the allegations do not constitute any offence or are absurd and inherently improbable. Similarly, in Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401, the Supreme Court reiterated that the High Court, while exercising jurisdiction under Article 226 or Section 482 of the Cr.P.C., must refrain from conducting a roving enquiry into the truthfulness of allegations or evaluating the sufficiency of evidence at the FIR stage. The Court further observed that when the FIR discloses the commission of cognizable offences, investigation should ordinarily proceed unhindered.”

15. It is an admitted fact petitioner No.1/A.1 was working as Sub Inspector of Police, Dhone Town police station and petitioner No.2 /A.2 was working as a Constable in the said police station. It is also an admitted fact that the respondent No.2/complainant was working as a Head Constable in Dhone Town Police Station from the year 2019, as an attached DO (Duty Order), from Kowthalam Police Station to Dhone Town

⁹ 2025 SCC OnLine MP 8877.

Police Station. A perusal of the material on record goes to show that respondent No.2 / complainant was suspended by the Superintendent of Police, Kurnool *vide* Order in PR No.A6/11/2022, dated 10.03.2022, as disciplinary proceedings were initiated against him on the allegation that the respondent No.2 /complainant, being the Head Constable working in Dhone Town UPS, was encouraging the illegal activities by sending advance information of police raids to one Pilaka Ravi, who is a Ganja Seller and Transporter, and one Katika Ramana, who is a Matka Organizer, and used to pass on information to them regarding police raids in advance, for pecuniary gains, due to which, several times police raids went futile. Respondent No.2/complainant was suspended on 10.03.2022. The alleged incident is said to have occurred on 31.3.2022 and the present complaint was lodged on 21.4.2022.

16. Respondent No.2/complainant was under the impression that the petitioners/A.1 and A.2 are behind his suspension and on the information furnished by them only, the Inspector of Police sent a report against him to the Superintendent of Police. In the case on hand, the Inspector of Police, upon conducting enquiry, submitted a report to the

Superintendent of Police, with regard to the aforesaid allegations against respondent No.2/complainant.

17. According to learned counsel for respondent No.2/complainant, the incident occurred in a broad daylight and within public view and the listed witnesses viz. L.W.2-C.Prasad, L.W.3-Ediga Jayamma and L.W.4-Boya Shankar witnessed the incident. There cannot be any dispute that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted with a laudable object to protect vulnerable section of the society. The Legislature required 'intention' as an essential ingredient for the offence of insult, intimidation and humiliation of a member of the Scheduled Caste or Scheduled Tribe in any place within 'public view'. Looking at the aims and objects of the Act, the expression 'public view' in Section 3 (1) (x) of the Act has to be interpreted to mean that the public persons present should be independent and impartial and not interested in any of the parties. In other words, persons having any kind of close relationship or association with the complainant, would necessarily get excluded. In *Daya*

*Bhatnagar v. State of Delhi*¹⁰, the High Court of Delhi observed that the expression within 'public view' occurring in Section 3 (1) (x) of the Act, 1989 means within the view which includes hearing, knowledge or accessibility also, of a group of people of the place / locality / village as distinct from few, who are not private and are as good as strangers and not linked with the complainant through any close relationship or any business, commercial or any other vested interest, and who are not participating members with him in any way. If such group of people comprise anyone of these, it would not satisfy the requirement of 'public view' within the meaning of the expression used. In the case on hand, the alleged eyewitnesses, as per the petitioners/A1 and A2, were having chequered history, and admittedly, they are not residents of the place of offence, and they are not strangers to both petitioners/A1 and A2 and respondent No.2/complainant, as they got chequered history and number of crimes were registered against them.

18. As per the statement of L.W.2-C.Prasad, on the date of the incident, he was going to attend his work and when he reached the scene of offence, he was alleged to have witnessed

¹⁰ 2004 (109) DLT 915.

the incident. The statement of L.W.3-Ediga Jayamma goes to show that on the date of the incident, she was going to her relatives' house situated near the scene of offence. With regard to the same, the statement of L.W.4-Boya Shankar is that, on the date of the incident, he went to near the house of K.E.Jayanna and heard the shouting of petitioners/A1 and A2 and respondent No.2/complainant.

19. A perusal of the material on record goes to show that L.W.2-C.Prasad, L.W.3-Ediga Jayamma and L.W.4-Boya Shankar have got chequered history. Against L.W.2-C.Prasad, three (03) crimes were registered, which include the offences under Sections 420 read with 34 IPC and under the A.P. Gaming Act. As against L.W.3-Ediga Jayamma, as many as six (06) crimes were registered, which include the offences under Sections 120B, 406, 420, read with 34 IPC; under the A.P. Gaming Act and the A.P. Prohibition Act. As against L.W.4-Boya Shankar, two (02) crimes were registered, which include the offences under the A.P. Prohibition Act. Majority of the crimes were registered in Dhone Town police station prior to the incident in question. Presence of the said witnesses at the scene of offence at the relevant point of time of the incident is

quite not probable and not trustworthy, as they are not residents of the place of offence and got chequered history, and they are not strangers to both petitioners/A1 and A2 and respondent No.2/complainant.

20. Admittedly, an inquiry was conducted as against respondent No.2/complainant by the Inspector of Police, Dhone Town Police Station. This Court perused the report submitted by the Inspector of Police. The report reveals that respondent No.2/complainant was working as Head Constable of Dhone Town Police Station from 25.09.2019 and he was posted to Kouthalam Police Station and on attachment basis, he was working at Dhone Town Police Station. It further reveals that from the date of taking charge, respondent No.2/complainant was not at all working properly and he was simply coming to police station, going without doing any work in the police station. The report further reveals that as and when police made best efforts to catch hold of either Pilaka Ravi or Katika Ramana, and conducted raids several times, the same failed as illegal activists got advanced information about the raids. The report further reveals that the Inspector of Police and his staff conducted raid on Ganja seller and transporters and seized

23.03 kgs of Ganja from the possession of Pilaka Ravi, and later he was sent to judicial custody. On verification of CDRs, it was identified that respondent No.2/ complainant colluded with Pilaka Ravi and Ramana and was passing on information to them for pecuniary gains. A perusal of the material on record further goes to show that when the police officials verified the Call Details Records (CDR) of 2nd respondent/complainant, they came to conclusion that 2nd respondent/complainant colluded with one Pilaka Ravi and Katika Ramana and as and when raids are likely to be conducted, the said information was passed on, by 2nd respondent/ complainant to them. Further, the CDR shows that 2nd respondent/ complainant and aforesaid persons are frequently in touch with each other, and there were as many as 46 calls during the period from 03.01.2022 to 09.02.2022 from his personal phone, and in respect of other person *i.e.* Katika Ramana, it was found that 2nd respondent/complainant made about 466 phone calls to him from 01.08.2021 to 31.01.2022, on that 2nd respondent/complainant reprimanded his illegal activities with anti-social elements and passing of information to them as and when raids were likely to be conducted. In pursuance of the Report submitted by the

Inspector of Police, the Superintendent of Police, Kurnool suspended 2nd respondent /complainant. Indisputably, the respondent No.2/ complainant was suspended on the ground of initiation of disciplinary proceedings, as he being the Head Constable working in Dhone Town UPS, encouraging the illegal activities by sending advance information of police raids to anti-social elements, and made the police raids futile.

21. The respondent No.2/complainant filed the present complaint on 21.04.2022 alleging that on 31.03.2022 at about 9.20 a.m., while the respondent No.2/complainant was proceeding on his personal work, it was alleged that the petitioners/A1 and A2 abused him by touching his caste and threatened him with dire consequences, and the alleged incident was witnessed by the aforesaid witnesses. It is pertinent to mention herein that when the alleged incident is said to have taken place on 31.03.2022, the present complaint was lodged on 21.04.2022 after a lapse of nearly 20 days. In the complaint filed by respondent No.2/ complainant, the reason that has been mentioned appears to be that the respondent No.2/complainant is said to have given a written complaint by Registered post on 02.04.2022 to the higher

authorities, but no action was taken thereon. It is not known as to why respondent No.2/complainant himself, being a Police Constable, opted to send a written complaint by Registered Post to the higher authorities. Being a police person, the respondent No.2 /complainant ought to have complained immediately to show his *bona fides*.

22. Admittedly, the Order of suspension of respondent No.2 / complainant was passed on 10.03.2022, and after a lapse of 40 days, the present complaint came to be filed on the ground of the alleged incident is said to have taken place on 31.03.2022. From the aforesaid circumstances, it can be inferred that after due deliberations, the respondent No.2/complainant appears to have foisted this false case against the petitioners/A1 and A2 by arraying the aforesaid persons as witnesses, who have chequered history. As discussed in the earlier paragraphs, presence of the said persons who are having chequered history, itself is improbable.

23. As held by the Hon'ble Apex Court in *Sujoy Ghose v. State of Jharkhand & another* (2 supra), when an accused seeks quashing of either the FIR or criminal proceedings on the

ground that such proceedings are manifestly frivolous, vexatious or malicious, the Court is duty bound to examine the manner with greater care. It will not be just enough for the Court to look into the averments made in the FIR/ complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. It is also held by the Hon'ble Apex Court that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments, and if need be, with due care and circumspection, and try to read in between the lines. It is further observed by the Hon'ble Apex Court that while exercising its jurisdiction under Section 482 CrPC or Article 226 of the Constitution of India, the High Court need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation /registration of the case as well as the materials collected in the course of investigation.

24. In the case on hand, the material on record reveals that respondent No.2/complainant was in frequent touch with Pilaka Ravi and Katika Ramana, who were indulging in illegal

activities like ganja transportation, matka, etc., and there were as many as 46 calls during the period from 03.01.2022 to 09.02.2022 from the personal mobile of respondent No.2/complainant to the mobile of Pilaka Ravi and there were as many as 466 calls from the mobile of respondent No.2/complainant to the other person Katika Ramana from 01.08.2021 to 31.01.2022. Respondent No.2/ complainant was suspended in the light of the said allegations, pursuant to a report sent by the Inspector of Police, which is based on his enquiry and the information furnished by petitioners/A.1 and A.2. In the facts and circumstances of the case, it can be inferred that the present criminal proceeding is manifestly attended against the petitioners/A1 and A2 with a *mala fides* and is maliciously instituted with an ulterior motive for wrecking vengeance on the petitioners/A1 and A2 and with a view to spite them due to private and personal grudge, on the ground that petitioner No.1/A.1, who working as Sub Inspector of Police, was responsible for giving information the illegal or unlawful acts of respondent No.2/complainant, who was working as a Head Constable, in the same police station like passing of advance information about the raids to the offenders,

etc., to the Inspector of Police, who submitted a report to the Superintendent of Police, which led to suspension of respondent No.2. The said fact, coupled with inordinate delay in setting the criminal law into motion by respondent No.2/complainant, being a Head Constable, compels this Court to examine the matter with greater care by looking into many other attending circumstances which emerge from the record viz. the report submitted by the Inspector of Police against respondent No.2/complainant, and the chequered history of the witnesses i.e. their involvement in several crimes, etc., with due care and circumspection. After taking into the overall circumstances leading to the initiation of the present criminal proceedings against the petitioners/A.1 and A.2 would lead to an irresistible conclusion that the criminal proceedings are manifestly frivolous, vexatious and malicious. The present case squarely falls under Clause (7) of the observations of the Hon'ble Apex Court in *State of Haryana v. Ch.Bhajanlal and Ors* (1 supra). When such being the case, continuing the proceedings against the petitioners/A1 and A2 is nothing but abuse of process of law, and on that ground alone, this Court is inclined to quash the *impugned* proceedings.

25. Accordingly, the Criminal Petition is allowed and the proceedings in SC/ST Sessions Case No.2 of 2023 pending on the file of the learned VI Additional District and Sessions Judge-cum-Special Judge for trial of Cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, Kurnool, against the petitioners/A1 and A2, are quashed.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

17th July, 2026.
DNB/DRK

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 3174 OF 2023

17.7.2026

DNB/DRK