

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL
CRIMINAL PETITION No.3799 OF 2021

ORDER:

The present Criminal Petition is filed seeking to quash the proceedings in S.C.No.229 of 2020 on the file of the learned Special Sessions Judge for SC/STs (POA) Act, 1989-cum-III Additional District & Sessions Judge, Ranga Reddy District.

2. Heard Mr. Vimal Varma Vasireddy, learned counsel for the petitioner and Mr. E.Ganesh, learned Assistant Public Prosecutor appearing for respondent No.1 State.

3. On 04.04.2019, the *de-facto* complainant lodged a report against the petitioners. Both were college classmates. The complainant left for Australia in 2003 to pursue higher education and returned to Hyderabad in 2006, started his own architectural and interior design business in 2007. The marriage of the 1st petitioner was performed with her brother-in-law and she blessed with a daughter. Thereafter, disputes arose between them and they lived separately and she got divorce in the year 2009-10.

4. The 1st petitioner and *de-facto* complainant married on 19th January 2014 which is an inter-caste marriage i.e., complainant belongs to Mala Scheduled Caste, 1st petitioner to Kapu

community. After the said marriage, they lived in Hyderabad, and they have purchased a car jointly. However, the petitioner's family humiliated the complainant over his caste, calling him derogatory names and burning his clothes at their home.

5. Due to these tensions, marital life of *de-facto* complainant was disturbed. The petitioner complained about the complainant's parents and forced him to move out. They lived separately in a rented luxury apartment, but conflicts over lifestyle expenses and the petitioners' demands for a more lavish life caused frequent arguments. In February 2017, the complainant moved to Mumbai for work but later convinced the petitioner to reunite. The petitioner then lived mostly alone in a luxury apartment in Hyderabad, with occasional visits from the complainant, who continued financial support.

6. In July 2018, after celebrating the petitioner's birthday, she suddenly demanded divorce, accompanied by caste-based insults and threats, including statements to ruin the complainant and his family. She threatened to file false cases and humiliated him by smoking at home, which was unusual behavior. From July 17, 2018, she sent WhatsApp messages insisting on divorce, citing "cultural differences" mostly related to caste issues.

7. The complainant agreed to mutual divorce but asked for return of money and joint assets. The petitioner initially agreed but later refused and imposed conditions, refusing to appoint a lawyer or family member to facilitate the divorce. She verbally abused the complainant, demanded to leave the house, and threatened him with eviction and further harassment.

8. Based on this complaint, a case was registered under Section 504 IPC and the SC/ST (POA) Amendment Act, 2015. The police investigated, recorded statements and verifying caste certificates. The petitioner challenged police action in Telangana High Court, which restrained coercive measures against her. Notices under Section 41(A) Cr.P.C were served, and investigation is going on.

9. While the matter stood thus and was under consideration, the learned counsel for the petitioners placed reliance on the judgment of the Hon'ble Apex Court in ***Hitesh Verma vs. State of Uttarakhand and Another***¹. He further submits that the offence under Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Amendment Act, 2015 is not attracted in the present case, as all the allegations made against the petitioner relate to matrimonial disputes, which culminated in a mutually agreed divorce. The

¹ (2020) 10 SCC 710

said divorce was granted in F.C.O.P. No.346 of 2019 by the Judge, Family Court, Ranga Reddy District at L.B. Nagar, Hyderabad, under Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, read with Section 7 of the Family Courts Act, 1984. The divorce decree was passed much prior to the filing of the present complaint.

10. It is submitted that the alleged offence dates back to 2018, whereas the email containing specific allegations against the petitioner was sent almost 10 months later. The delay in making such allegations casts doubt on their veracity. Moreover, the incident, as described, did not occur in public view but within the confines of the domestic setting, and therefore does not attract the provisions of Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Amendment Act, 2015. Hence, the petitioner prays that this Court may be pleased to allow the present petition.

11. The learned counsel for unofficial respondent No.2 vehemently submitted that the investigation has been thoroughly completed. He contended that the *de-facto* complainant has consistently maintained that action against the petitioners (accused Nos.1 and 2) can only be determined through a full-fledged trial. He further submitted that whether the incident

occurred within the four walls of a private residence or in public view is a matter of evidence, which can only be decided during the course of trial. He lastly stated that he respectfully differs from the interpretation laid down in the judgment relied upon by the petitioner, as the facts of the present case do not align with the spirit of that decision and he relied upon the judgment of the Hon'ble Apex Court in ***Sudhakar vs. State***² observed that *"The plead of "interested Witness", "related witness" has been succinctly explained by this Court that "related" is not equivalent to "interested". The witness may be called "interested" only when he or she derives some benefit from the result of a litigation in the decree in a civil case, or in seeing an accused person punished"*. He therefore prays for dismissal of this petition.

12. The learned Assistant Public Prosecutor, on the other hand, submitted that as many as 10 witnesses are yet to be examined before the trial Court. He contended that unless the trial is conducted, the truth cannot be elicited, especially considering the differing versions of events from the witnesses. Hence, he submitted that the trial must proceed to its logical conclusion in accordance with law and accordingly prayed for dismissal of the present petition.

² (2018) 5 SCC 435

13. Considering the submissions made by the learned counsel for the petitioner, learned counsel for respondent No.2, and the learned Assistant Public Prosecutor, and upon examination of the merits of the case, it appears that certain allegations have been made against the petitioners.

14. However, the nature of those allegations does not clearly demonstrate any specific instance wherein the petitioners are shown to have abused or humiliated the *de-facto* complainant in the name of his caste, along with the place, time, and manner of such occurrence. There is no material to indicate that the alleged incident occurred in a public place or in public view, as is required to attract the provisions of Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Act, 2015.

15. The central issue before this Court is whether the allegations made fall within the parameters laid down by the Hon'ble Supreme Court in ***Hitesh Verma v. State of Uttarakhand and Another (Supra-1)***, wherein it was held that for the offence under the said Act to be attracted, the insult or intimidation must occur in public view. Similar observations were made by the Apex Court in ***Sudhakar v. State (Supra-2)***, wherein it was reiterated that the occurrence must be public and aimed at humiliating the complainant on the basis of caste.

16. In light of the above, the present case seeks to invoke the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973.

17. The issue before this Court is to determine whether the allegations made against the petitioners attract the offence under Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Act, particularly with regard to the requirement that the alleged insult or intimidation must have occurred in public view.

18. Upon a perusal of the record and considering the submissions of both parties, this Court finds that the allegations, even if taken at face value, do not disclose that the incident took place in a public place or was witnessed by any independent persons, as required under the law. The alleged acts were part of domestic discord between the parties and appear to have occurred within the confines of a private residence.

19. Accordingly, this Court, while placing reliance on the judgments of the Hon'ble Apex Court in *Hitesh Verma v. State of Uttarakhand* and *Sudhakar v. State*, finds it appropriate to interfere under Section 482 Cr.P.C., as the continuation of proceedings before the learned Trial Court, in respect of the

alleged offence under Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Act, would amount to an abuse of process of law. The allegations do not meet the statutory requirement of having been committed in public view, and therefore, no prima facie case is made out under the said provisions.

20. In view of the foregoing discussion and findings, this Court holds that the allegations do not satisfy the essential ingredients of Sections 3(1)(r) and 3(1)(s) of the SCs/STs (POA) Act, as the alleged acts were not committed in public view. Consequently, the continuation of the criminal proceedings against the petitioners would amount to an abuse of the process of law.

21. Accordingly, the Criminal Petition is allowed, and the proceedings in S.C.No.229 of 2020 on the file of the learned Special Sessions Judge for SC/STs (POA) Act, 1989-cum-III Additional District & Sessions Judge, Ranga Reddy District, are hereby quashed.

Miscellaneous Petitions, pending if any, shall stand closed.

E.V. VENUGOPAL, J

Date: 23.06.2025
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