

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.13548 of 2013

ORDER:-

Heard learned counsel for the petitioners/A.1 to A.3. In spite of service of notice on respondent no.2, there is no representation.

2. The present Criminal Petition is filed, under Section 482 Cr.P.C., seeking quashing of investigation in Crime No.294 of 2013 of II Town Police Station, Eluru, registered for the offences under Section 3(1)(v), 3(2)(vii) and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [for short, **“POA, Act”**].

3. The facts, as stated in the F.I.R., are as under:-

(a) The informant was working as Manager in Central Bank of India [for short, **“Bank”**] at different places. He availed a housing loan of Rs.5,00,000/- from the Bank during the year 2000 and used the same for constructing a house at Venna Valli Vari Pet, Eluru. The said house was mortgaged with Central Bank, Eluru Branch, as security for the loan.

(b) While things stood thus, in the year 2011, the Bank has dismissed the informant from the service because of a conviction in a C.B.I. case. Later on, the Bank has settled

his benefits and paid Provident Fund after recovering the housing loan. It is said that he requested the Bank to release the title deeds and documents as the loan is fully repaid and there are no outstanding dues. But, in spite of his request, the Bank has not released the house documents. According to him, the said harassment is because the informant belongs to Scheduled Caste. Thereafter, the informant claims to have approached the National Commission for Scheduled Castes, Hyderabad for release of the title deeds and house documents and also for settlement of issues like Gratuity etc. The Commission in turn pursued with the Bank and the same was settled.

(c) On 16.08.2013, the Bank Manager informed the informant that they have misplaced the documents and title deeds of his house. On 15.10.2013, the General Manager has informed the National Commission for Scheduled Castes about the same and also informed them about the steps being taken against the local branch. Non-delivery of house documents lead to filing of the present report alleging the offences constitutes punishable under Section 3(1)(v) and 3(2)(vii) and Section 4 of POA, Act.

4. In order to appreciate the rival arguments, it would be just and proper to extract Section 3(1)(v) and 3(2)(vii) and Section 4 of POA, Act, which deals with punishment for neglect of duties.

Section 3(1) (v) reads as under:-

“Whoever, not being a member of a Scheduled Caste or Scheduled Tribe wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water”

Section 3(2) (vii) reads as under:-

“being a public servant commits any offence under this section, shall be punishable with imprisonment for a term which shall be less than one year but which may extend to the punishment provided for that offence”.

Section 4 reads as under:-

“Whoever, being a public servant but not being a member of a Scheduled Caste or Scheduled Tribe, willfully neglects his duties requires to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but may extend to one year.”

5. A reading of the provisions referred to above, cannot be made applicable to the facts in issue. Section 3(2)(vii) postulates a situation where a person being a public servant commits any offence under this section i.e., Section 3(2) shall be punishable with imprisonment for a term which shall be less than one year but which may extend to the punishment provided for that offence. A reading of the above section makes it clear that it is only a punishment section and would get attracted, if an offence under Section 3(2) has been committed by a Public Servant.

6. Further, Section 4 of the POA, Act deals with punishment for neglect of duties, which defines that whoever,

being a public servant but not being a member of a Scheduled Caste or Scheduled Tribe, willfully neglects his duties requires to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but may extend to one year.

7. It is no doubt true that the petitioners are Public Servants, working in a Bank where the informant has also worked and where he has taken loan. However, the averments in the First Information Report does not anywhere indicate any willful negligence of duties which were required to be performed under the POA, Act. On the other hand, the averments show misplacing of some documents, for which, the Head Office informed the National Commission for Scheduled Castes about the action which they intended to take.

8. From the above discussion, it is very clear that even accepting the allegations in the report to be true, no offence under the Scheduled Castes and Scheduled Tribes (POA) Act, is made out and as such, I am of the view that continuation of the proceedings against the petitioners, who are the Branch Manager, General Manager and Regional Manager of the Bank would be an abuse of process of law.

9. Accordingly, the Criminal Petition is ***allowed***, quashing the F.I.R. in Crime No.294 of 2013 of II Town Police Station, Eluru.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 01.04.2022

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