

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11409 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.89 of 2015 on the file of K.V.Palli Police Station, Chittoor District registered for the offences punishable under Section 3 (i) (x) of S.C. & S.T. (Prevention of Atrocities) Act and Sections 323 and 506 of IPC.

2 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor representing the State.

3 The petitioner is sole accused and the second respondent is the de-facto complainant in Cr.No.89 of 2015 on the file of K.V.Palli Police Station, Chittoor District. As per the allegations made in the complaint, on 11.10.2015, the petitioner insulted the second respondent in the name of his caste. It is further alleged that the petitioner bet the second respondent and threatened him with dire consequences.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, K.V.Palli Police Station may be directed not to arrest the petitioner pending investigation in the crime.

7 Taking into consideration the nature of allegations made in the complaint and in view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, K.V. Palli Police Station, is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.89 of 2015 on his file.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 9th November, 2015

Kvsn