

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12505 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.41 of 2015 of Amarapuram Police Station, Anantapuram District registered for the offences under Sections 384 and 506 read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.41 of 2015.

4. As per the allegations made in the complaint, on the demand of the first petitioner, the second respondent paid an amount of Rs.40,000/- to him and thereafter, paid another sum of Rs.10,000/- to one Enjerappa. It is further alleged that the petitioners have threatened the second respondent that they will file a case against him under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 if he did not come forward for settlement of civil litigation.

5. A perusal of the record reveals that the first petitioner filed O.S.No.126 of 2015 on the file of the Junior Civil Judge, Madakasira against the *de facto* complainant and others. Whether the petitioners have extracted the money from the second respondent or not will come to light during the course of investigation.

6. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principles

enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

8. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

9. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Amarapuram Police Station, Anantapuram District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.41 of 2015 so far as the petitioners/A.1 to A.3 are concerned.

10. With the above direction, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.11.2015

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