

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2672 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/ Accused in Crime No.3 of 2015 of Alampur Police Station, Mahabubnagar district for the offences punishable under Sections 504 and 323 of I.P.C. and Section 3 (1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act').

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner due to civil disputes. He also submitted that the petitioner is the owner of Sy.No.642 admeasuring Ac.4-03 gts., at Kyatoor village and the second respondent is no way connected with the said land and at the time of harvest of the crop the second respondent with the instance of his brother attacked the petitioner and caused bleeding injury. He further submitted that the petitioner gave a complaint to the Police and to overcome the said case the second respondent filed the present case. He further submitted that the petitioner is innocent and has not committed any offence. Therefore, he prayed the Court to quash the proceedings against the petitioner in Crime No.3 of 2015 of Alampur Police Station.

4. Learned Public Prosecutor submitted that this is not the stage to go into the merits of the main case and the investigation is not yet completed. Therefore, he prayed the Court to dismiss the petition.

5. A perusal of the record reveals that the petitioner herein is the sole accused

and the second respondent is the de-facto complainant in Crime No.3 of 2015. As per the allegations made in the complaint, on 11-01-2015 at 1.00 P.M., the petitioner herein went to the fields of the second respondent and cut off the Bengal gram crop and taken away from his land. When the second respondent questioned about the same, the petitioner herein intentionally insulted the second respondent in the name of his caste. It is further alleged that the petitioner herein beat the second respondent.

6. While deciding the petition under Section 482 of Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not be justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain 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 Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

8. Learned counsel for the petitioner submitted that the Station House Officer, Alampur Police Station may be directed not to arrest the petitioner/Accused till completion of investigation. The relief claimed by the petitioner cannot be entertained because it is bar under Section 18 of the Cr.P.C. Therefore, the petitioner is directed to surrender before the concerned Court and on such surrender the said Court to consider the request of the petitioner and to grant bail on the same day or on the next day as per law.

9. With the above directions, the Criminal Petition is disposed of.

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

JUSTICE ANIS

April 06, 2015

Note: Issue C.C. by

tomorrow. B/o.PN

THE HON'BLE MRS JUSTICE ANIS

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