

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.3010 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/ Accused in Crime No.40 of 2015 of Muthukur Police Station, Nellore district for the offences punishable under Sections 427, 384 r/w 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 petitioners and learned Public Prosecutor for the State.

3. Learned counsel for the petitioners submitted that the petitioners have not committed any offence and they are innocents. Petitioners are coolies and daily they have to earn their bread. Further there are no allegations against the petitioners for the offences attracted under Section 3 (1)(x) of the Act, as the alleged offence taken place at 1:30 P.M. on 14.3.2015. Petitioners' counsel further argued that the allegations in the complaint are false and therefore he prayed the Court to quash the proceedings against the petitioners in Crime No.40 of 2015 of Muthukur Police Station, and finally argued that to grant some relief to the petitioners as they are labourers and they were apprehending the arrest by the police, Muthukur Police Station.

4. On the other hand, 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 on 14.03.2015 the *de facto* complainant is working as a Watchman to watch the trees, which are situated on either side of the road, which leads from Patha Harizanawada school to Chalivendram of Muthukur village on daily wage basis. While he was discharging his duties as Watchman, the petitioners alleged to have been damaged the tree guards with rods, which were erected for protection of trees. Then the *de facto* complainant being the watchman of those trees questioned the highhanded action on the part of the petitioners. Then the petitioners abused the *de facto* complainant by

touching his caste and beat him with sticks. A perusal of the complaint shows that there is a *prima facie* case against the petitioners for the alleged allegations.

6. While deciding the petition under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not being 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, Muthukur Police Station may be directed not to arrest the petitioners/Accused till completion of investigation. The relief claimed by the petitioners cannot be entertained because there is a bar under Section 18 of the Act to grant a bail. Therefore, the petitioners are directed to surrender before the concerned Court and on such surrender the said Court to consider the request of the petitioners and 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

9th April, 2015

PNV

