

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12105 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused 1 to 4 in Crime No.339 of 2015 of Suryapet Town Police Station, Suryapet, registered for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act, 1989.

The contention of the learned counsel for the petitioners is two fold:

- i. The second respondent foisted a false case against the petitioners at the instance of one Ramalinga Reddy of Kurnool.
- ii. There is no acquaintance between the petitioners and the second respondent prior to 25.08.2015.

Per contra, learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to investigate into the matter.

A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant in Crime No.339 of 2015. A perusal of the record further reveals that on 25.08.2015 the petitioners herein lodged a complaint to the Station House Officer, Suryapet Town Police Station, who in turn registered a case in Crime No.340 of 2015 against the second respondent and others for the offences punishable under Sections 448, 504 and 506 IPC. As per the allegations made in the complaint, on 25.08.2015 the petitioners herein insulted the second respondent in the name of his caste in the presence of others. Whether the petitioners have insulted the second respondent in the name of his caste will come to light during the course of investigation.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the

truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

Having regard to the facts and circumstances of the case and also the principle enunciated 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 criminal proceedings at the threshold.

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.

Having regard to the facts and circumstances of the case and also in view of the principle enunciated by the Supreme Court in ***ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER***, the Station House Officer, Suryapet Town Police Station, Suryapet, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.339 of 2015, so far as the petitioners/Accused Nos.1 to 4 are concerned.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date: 20.11.2015

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