

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3446 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.12 in Crime No.89 of 2015 of Karimnagar Rural Police Station, Karimnagar District registered for the offences under Sections 3 (1) (x) and 3 (1) (xiv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 12 and the second respondent is the *de facto* complainant in Crime No.89 of 2015.

4. As per the allegations made in the complaint, on 21.02.2015, the petitioners have insulted the second respondent in the name of his caste. It is further alleged that the petitioners did not allow the second respondent and other group people to participate in Bonalu function.

5. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case to take vengeance against petitioner No.12/A.12, who is the Sarpanch of the Village.

6. Whether the present complaint is filed by the second respondent with a *mala fide* intention or not will come to light during the course of investigation. 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 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. Taking into consideration the nature of the allegations made against the petitioners and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Karimnagar Rural Police Station, Karimnagar District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.89 of 2015 so far as the petitioners/A.1 to A.12 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: 27.04.2015

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