

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12784 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.128 of 2015 of Karankote Police Station, Ranga Reddy District, registered for the offences under Sections 324 and 506 read with 34 I.P.C., and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The contention of the learned counsel for the petitioners is that on coming to know about the registration of Crime No.127 of 2015 against the husband of the first respondent, she foisted a false case against the petitioners.

3. The learned Public Prosecutor submitted that this is not the stage to go into the merits of the main case.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the first respondent is the *de facto* complainant in Crime No.128 of 2015. A perusal of the record further reveals that petitioner No.1 lodged a complaint to the Station House Officer, Karankote Police Station, who in turn registered a case in Crime No.127 of 2015 against the husband of the first respondent and another under Sections 341, 324, 506 and 504 read with 34 I.P.C.

5. As per the allegations made in the complaint, on 03.11.2015, the petitioners have beat the husband of the first respondent and insulted them in the name of their caste.

6. It is an admitted fact that an unfortunate incident took place on 03.11.2015. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

7. 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.

8. 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.

9. 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.

10. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Karankote Police Station, Ranga Reddy District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.128 of 2015 so far as the petitioners/A.1 to A.3 are concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 03.12.2015

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