

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3981 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 and A.2 in Cr.No.39 of 2015 on the file of Kondurg Police Station, Mahaboobnagar District registered for the offences punishable under Sections 447, 153 (a) and 295 (A) r/w 34 of IPC and Section 3 (1) (x) of S.C. & S.T. (PoA) Act.

2 The contention of the learned counsel for the petitioners is two fold. 1) Even if the allegations made in the complaint are, *ex facie*, taken to be true and correct, no case is made out against the petitioners for the offence under Section 3 (1) (x) of S.C. & S.T. (PoA) Act. 2) The second respondent filed the present complaint with an ulterior motive to harass the petitioners.

3 On the other hand, the learned Additional 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 A.1 and A.2 and the second respondent is the de-facto complainant in Cr.No.39 of 2015. As per the allegations made in the complaint, on 28.03.2015 the petitioners distributed pamphlets to create ill-feelings between two religions. It is further alleged that the petitioners have trespassed into the property of the second respondent, who belongs to Scheduled Caste. As per the prosecution version, the petitioners have committed the offence under Section 3 (1) (x) of S.C. & S.T. (PoA) Act.

5 A perusal of the record reveals that basing on the complaint lodged by the second respondent, the Station House Officer, Kondurg Police Station registered a case against the petitioners for the offences punishable under Sections 447, 427 r/w 34 of IPC and under Section 3 (1) (x) of S.C. & S.T. (PoA) Act. The fact remains that the second respondent herein lodged two complaint against the petitioners. Whether the petitioners have committed the alleged offences on 23.03.2015 and 28.03.2015 or not will come to light during the course of investigation only.

6 While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not

justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

7 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

8 The learned counsel for the petitioners submitted that the Station House Officer, Kondurg Police Station may be directed not to arrest the petitioners pending investigation in the crime.

9 On 05.06.2015 this Court granted interim stay of all further proceedings in Cr.No.39 of 2015 on the file of Kondurg Police Station. Having regard to the facts and circumstances of the case and in view of the interim orders passed by this Court on 05.06.2015, the Station House Officer, Kondurg Police Station, is hereby directed not to arrest the petitioners in Cr.No.39 of 2015 till completion of investigation.

10 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 8th December, 2015

Kvsn