

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12819 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused in Crime No.284 of 2015 of Miryalguda Rural Police Station, Nalgonda District, registered for the offence punishable under Sections 323, 504 read with 34 IPC and 3(1)(x) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act.

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

1. The second respondent foisted a false case against the petitioners at the instance of one Repala Yadagiri and Garlapati Srinivas;
2. There is a delay of 40 days in lodging the complaint.

On the other hand, learned Public Prosecutor submitted that this is not the stage to go into the merits of the case.

A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de facto* complainant in Crime No.284 of 2015. As per the allegations made in the complaint, on 09.09.2015 the petitioners herein beat the second respondent and threatened him with dire consequences. It is further alleged that the petitioner herein insulted the second respondent in the name of his caste in the presence of others. The fact remains that the second respondent is not a partner of the petitioners. Whether Repala Yadagiri and Garlapati Srinivas have set up the second respondent to file a false case or not 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 investigation.

Having regard to the facts and circumstances of the case and also the nature of the allegations made in the complaint, the Station House Officer, Miryalaguda Police Station, Nalgonda District, is hereby directed not to arrest the petitioners, who are accused Nos.1 to 5 in Crime No.284 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

T.SUNIL CHOWDARY, J

Date:04.12.2015

Rns