

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1420 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 and A2 in Crime No.13 of 2016 on the file of Station House Officer, Chandragiri Police Station, Tirupathi Urban registered for the offences under Sections 323 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act).

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

3. The petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.13 of 2016. As per the allegations made in the complaint, on 20.1.2016 at about 04.00 PM, the second respondent went to the house of his friend S.Giridhar. There he found the petitioner Nos.1 and 2/A1 and A2 (uncle and aunt of Giridhar) abusing one of their relatives by name Suresh Gandhi. When the second respondent tried to pacify the matter, petitioners abused the second respondent in the name of his caste. It is further alleged that the petitioners also beat the second respondent. The contention of learned counsel for petitioners is that second respondent was set up by the younger sister of petitioner No.2/A2 to take vengeance against petitioners. A perusal of the record reveals that petitioner No.2/A2 filed O.S. No.317 of 2015 on the file of the court of X Additional District Judge, Tirupathi against her own sister, S.Kusuma. The record further reveals that civil disputes are pending between petitioner No.2/A2 and her sister. If this court expresses any opinion, the same may cause prejudice to one of the parties to the

proceedings. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

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6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Chandragiri Police Station, Tirupathi Urban is hereby directed not to arrest the petitioners/A1 and A2 till completion of investigation in Crime No.13 of 2016.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

February 08, 2016.

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)