

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1406 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 to A3 in Crime No.184 of 2015 on the file of Station House Officer, Tenali II Town Police Station, Guntur District registered for the offences under Sections 323, 506 and 509 read with 34 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 to A3 and second respondent is *de facto* complainant in Crime No.184 of 2015. As per the allegations made in the complaint, on 04.11.2015 when the second respondent was collecting their utensils from the demolished rented house, the petitioners threatened second respondent and her daughters-in-law with dire consequences. It is further alleged that the petitioners also insulted them in the name of their caste. 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.

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, Tenali II Town Police Station, Guntur District is hereby directed not to arrest the petitioners/A1 to A3 till completion of investigation in Crime No.184 of 2015.

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)