

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9565 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.47 of 2016 of Rompicherla Police Station, Guntur District, registered under Section 324 read with 34 IPC and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

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

A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the first respondent is the *de facto* complainant.

As per the allegations made in the complaint, on 20.06.2016 the petitioners herein beat the respondent. It is further alleged that the petitioners herein abused the first respondent in the name of his caste. A perusal of the record reveals that the first petitioner and the first respondent are neighbours. A perusal of the record further reveals that there is a boundary dispute between the first petitioner and the first respondent. The contention of the learned counsel for the petitioner is that the first respondent foisted a false case against the petitioners to take vengeance against them.

While deciding the petition 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 to ascertain the truthfulness or otherwise of the allegations

made in the complaint at the initial stage of the 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.

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**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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.

Having regard to the facts and circumstances of the case, the Station House Officer, Rompicherla Police Station, Guntur District, is hereby directed not to arrest the petitioners, who are accused Nos.1 and 2 in Crime No.47 of 2016 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.

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T.SUNIL CHOWDARY, J
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Date:01.07.2016
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[\[1\]](#) AIR 1960 SC 866

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