

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4243 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 and A.7 in Crime No.418 of 2010 on the file of the Station House Officer, Rajendranagar Police Station, Cyberabad, registered for the offences under Section 427 I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3. A perusal of the record reveals that the petitioners are accused Nos.2 and 7 and the first respondent is the *de facto* complainant in Crime No.418 of 2010.

4. As per the allegations made in the complaint, the first respondent is the owner of a plot bearing No.1182 admeasuring 300 square yards in Survey No.134/20 of Shasthipuram Colony, Mailardevpally Village, Ranga Reddy District. It is further alleged that the petitioners trespassed into the plot of the first respondent. It is also alleged that the petitioners along with others destroyed the hut of the first respondent and insulted him in the name of his caste.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. While exercising the inherent power 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 as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of 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.

6. 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.

7. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners only on 12.05.2010.

8. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 12.05.2010, the Station House Officer, Rajendranagar Police Station, Cyberabad, is hereby directed not to arrest the petitioners/A.2 and A.7 in Crime No.418 of 2010 till completion of the investigation.

9. With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date: 17.02.2016

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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)