

-

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1324 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.2, 4, 7 and 8 in Crime No.09 of 2016 on the file of the Station House Officer, Somandepalli Police Station, Anantapuram District, registered for the offences under Section 324 read with 34 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, 4, 7 and 8 and the second respondent is the *de facto* complainant in Crime No.09 of 2016.

4. As per the allegations made in the complaint, on 22.01.2016. the petitioners along with others beat the second respondent and others. It is further alleged that the petitioners insulted the second respondent in the name of his caste.

5. The contention of the learned counsel for the petitioners is that the second respondent foisted a false case against the petitioners at the instance of opposite group in the village.

6. A perusal of the record reveals that the petitioners group filed O.S.No.159 of 2015 on the file of the Court of the Junior Civil Judge, Penukonda against one Mareppa and others. It further reveals that basing on the complaint lodged by petitioner No.1, the Station House Officer, Somandepalli Police Station registered a case in Crime No.10 of 2016 under Section 324 read with 34 I.P.C. against one Murthappa.

S/o. Mareppa and others. It also reveals that civil and criminal cases are pending between two groups. If this Court expresses any opinion touching the merits of the main case, 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.

7. 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.

8. 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.

9. 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.

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Somandepalli Police Station, Anantapuram District, not to arrest the petitioners/accused Nos.2, 4, 7 and 8 in Crime No.09 of 2016 till completion of the investigation.

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

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

-

T.SUNIL CHOWDARY, J

Date: 05.02.2016

lvd

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

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

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

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