

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9551 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.280 of 2016 of Chikkadapally Police Station, Hyderabad, registered under Sections 324 and 506 IPC and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act) 2015.

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 trespassed into the vacant land of the respondent and beat him while he was erecting a hut. It is further alleged that the petitioners herein abused the second respondent in the name of his caste. A perusal of the record reveals that the petitioners herein along with his father filed R.C.No.27 of 2011 against one Somaiah, who is none other than the father of the respondent herein, on the file of the III Additional Rent Controller, at Hyderabad, for eviction. After full fledged trial, the trial Court allowed the case on 18.12.2014. Feeling aggrieved by the orders of the rent controller, the father of the respondent filed R.A.No.17 of 2015 on the file of the Additional Chief Judge, City Small Causes Court, Hyderabad and the same was dismissed on 30.10.2015. A perusal of the record reveals that the petitioners

herein filed E.P.No.5 of 2016 in R.C.No.27 of 2011 and the same was allowed on 15.03.2016. The first respondent lodged a complaint to the police on 20.06.2016. A perusal of the record clearly reveals that civil litigation is pending between the parties. 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.

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.

Taking into consideration the nature of allegations made against the petitioners, the Station House Officer, Chikkadapally Police Station, Hyderabad, is hereby directed not to arrest the petitioners, who are accused Nos.1 and 2 in Crime No.280 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