

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.13774 of 2016

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed to call for the records relating to F.I.R.No.167 of 2016 on the file of Kurnool IV Town Police Station, Kurnool District, registered for the offences punishable under Sections 323 and 354 read with 34 IPC and Section 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015 and quash the same.

2. Learned counsel for the petitioners submits that when the respondent No.2-*de facto* complainant is not a Member of Pragathi Mahila Podupu Sangam as she resigned to the said post in the year 2012, the question of her attending the meeting would not arise; that the complaint was lodged with all false allegations; that the allegations made in the complaint would not constitute the offences alleged against the petitioners; that the petitioners are no way concerned with the allegations made in the complaint and in the absence of any specific allegation, continuation of the proceedings against the petitioners is abuse of process of law.

3. Learned counsel for the petitioners has drawn the attention of this Court to the letter, dated 23.08.2012, submitted by the *de facto* complainant to the Superintendent, Pragathi Mahila Podupu Sangam, wherein it is stated that the complainant resigned as Member of said society and on the strength of it he contended that when she is not a Member of the society, her attendance to meeting does not arise and therefore, it is a false accusation made against the petitioner; that the allegations made in the complaint,

even if taken as in its entity, would not constitute any offence on the face and thereby requested the Court to quash the proceedings in the aforesaid crime.

4. Respondent No.2 lodged a complaint on 02.05.2016, making serious allegations against the petitioners, stating that when she attended the meeting at Narayana College Building, one Kasim Saheb abused the Members of the society and indiscriminately bet them. Thereafter, Kasim Saheb came to the *de facto* complainant and abused her raising her caste name and pulled her saree and pushed her on ground in the open place in the presence of the Members. But, due to intervention of the Members of the Society, she was rescued.

5. As seen from the allegations in the complaint, more particularly abusing the *de facto* complainant in the name of her caste, would attract the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, whereas pulling her saree would attract an offence punishable under Section 354 IPC and indiscriminately beating her would constitute an offence punishable under Section 323 IPC.

6. The main endeavour of the petitioner is that the *de facto* complainant is no more a Member of the said Society on account of her resignation by letter, dated 23.8.202. It is a disputed question of fact and it cannot gone into while deciding the application filed under Section 482 Cr.P.C., more particularly when allegations made in the complaint on its face would constitute an offence, this Court cannot exercise its jurisdiction under Section 482 Cr.P.C. to

quash the proceedings. Even otherwise, the complaint is only information to the Investigating Agency to set the criminal law into motion and it is not an encyclopaedia to record each and every minute fact. Therefore, when the petitioner approaches the Court to quash the proceedings which are at the threshold of the investigation, he must show some material to establish that he did not commit the offence, but except producing the copy of the letter, which is a disputed question of fact.

7. The Apex Court in **State of Haryana vs. Bhajan Lal**¹ laid down certain guidelines as to when the Court can exercise jurisdiction. As per Guidelines No.1, this Court can exercise the power under Section 482 Cr.P.C. when the averments made in the complaint or F.I.R. on its face value would not constitute any offence. In the present case, as specific allegations were levelled against the petitioner, which *prima facie* constitute an offence, hence, I am unable to exercise the power under Section 482 Cr.P.C. to quash the proceedings in F.I.R.

8. The contention of the petitioner that there are many complaints against the petitioner but that by itself not a ground to quash the proceedings.

9. In view of decision of the Apex Court in **Bhajan Lal's case**, I find no ground to quash the proceedings in the aforesaid crime at this stage.

¹ (1992 Supp.(1) SCC 335)

10. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

DECEMBER 06, 2016
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Dated:06.12.2016

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