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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.101 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.378 of 2015 on the file of the Station House Officer, Nagampalem Police Station, Guntur Urban, registered for the offences under Sections 448, 506 and 427 read with 34 I.P.C. and Section 3 (1) (x) and (xiii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.378 of 2015.

4. As per the allegations made in the complaint, on 28.12.2015 at about 6:00 PM, the petitioner along with others entered into the hostel and damaged the hostel rooms. It is further alleged that the petitioner insulted the second respondent in the name of his caste in the presence of others.

5. The contention of the learned counsel for the petitioner is that the property in question was delivered to the decree holder long back.

6. Whether the property in question is in possession of the second respondent 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.

7. 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 considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

8. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Nagarampalem Police Station, Guntur Urban, not to arrest the petitioner/A.1 in Crime No.378 of 2015 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 06.01.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604