

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3728 of 2016

ORDER:

-

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused in Crime No.101 of 2016 on the file of the Station House Officer, III Town Police Station, Kurnool, registered for the offences punishable under Sections 342, 323 and 355 IPC and 3(1)(s) of Scheduled Caste and Scheduled Tribe (POA) 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 the sole accused and the second respondent is the *de facto* complainant in Crime No.101 of 2016. As per the allegations made in the complaint, on 10-03-2016 at about 10.30 A.M., the 2nd respondent went to Bhagyalakshmi Gas Agency, Kurnool, for exchange of regulator. In spite of request of the 2nd respondent, the petitioner did not change the regulator. It is further alleged that the petitioner confined the 2nd respondent and beat him. It is further alleged that the petitioner abused the 2nd respondent in filthy language in the name of his caste.

4. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case against the petitioner. 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 petitioner has committed the alleged offences or not will come to light during the course of investigation.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

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 Gujarat^[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. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, III Town Police Station, Kurnool, is hereby directed not to arrest the petitioner-accused till completion of investigation in Crime No.101 of 2016.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 18.03.2016.

Hsd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)