

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1443 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1 to A.3 in Cr.No.829 of 2015 on the file of Chaitanyapuri Police Station, registered for the offences punishable under Sections 3 (1) (x) of S.C & S.T (PoA) Act, 1989.

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

3 The petitioners are accused Nos.1 to 3 and the second respondent is the de-facto complainant in Cr.No.829 of 2015 on the file of Chaitanyapuri Police Station. As per the allegations made in the complaint, on 02.12.2015 the petitioners herein abused the second respondent in filthy language and insulted him in the name of his caste.

4 The contention of the learned counsel for the petitioners is that the 2nd respondent has foisted a false case against the petitioners in view of the pendency of civil disputes between him and the petitioners. A perusal of the record reveals that the petitioner Nos.2 and 3 along with others have filed O.S.No.761 of 2009 against the 2nd respondent and others on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy. At the time of arguments, the learned counsel for the petitioners submitted that the said O.S.No.761 of 2009 was decreed in the month of December 2015. A perusal of the record further reveals that the family members of the 2nd respondent are facing trial in number of criminal cases.

5 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer, Chaitanyapuri Police Station may be directed not to arrest the petitioners pending investigation in the crime.

8 Having regard to the facts and circumstances of the case, the Station House Officer, Chaitanyapuri Police Station, is hereby directed not to arrest the petitioner who are accused Nos.1 to 3 in Cr.No.829 of 2015 till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition,

shall stand closed.

T. SUNIL CHOWDARY, J

Date: 8th February, 2016

Kvsn

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

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

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

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