

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.3902 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.88 of 2017 on the file of the Station House Officer, Koyalgudem Police Station, West Godavari District, registered for the offences punishable under Sections 324 read with 34 IPC and Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The contention of the learned counsel for the petitioners is that the *de facto* complainant is aggressor, therefore, it is a fit case to quash the proceedings. The learned Assistant Public Prosecutor submitted that both the parties received injuries in the said incident, therefore, it is a fit case to investigate into the matter.

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.88 of 2017. A perusal of the record further reveals that the police registered a criminal case against both groups.

4. 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. Whether the petitioners committed the alleged offence or not will come to light during the course 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.

5. 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 Gurajat*³ and *Teeja Devi v. State of Rajasthan*⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

6. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in *Arnesh Kumar v. State of Bihar*⁵, the Station House Officer, Koyyalagudem Police Station, West Godavari District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.88 of 2017 so far as the petitioners/ accused Nos.1 and 2 are concerned.

7. With the above direction, the Criminal Petition is disposed of.

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

T. SUNIL CHOWDARY, J

Date: 08.06.2017
Rns

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250