

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4526 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.30 of 2017 on the file of the Station House Officer, RC Puram Police Station, Ramachandrapuram Mandal, Tirupati Urban District, Chittoor District, registered for the offence punishable under Section 3 (1) (r) (s) (w) (i) (ii) of SCs & STs (POA) Amendment Act, 2015.

2. Learned counsel for the petitioner submitted that the 2nd respondent foisted a false case against the petitioner at the behest of villagers. He further submitted that some other person also lodged a complaint against the petitioner on the same day. He further submitted that the allegations made in the complaint do not constitute any offence, much less the offence alleged to have been committed by the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is the sole accused and the 2nd respondent is the *de facto* complainant in Cr.No.30 of 2017. A perusal of the record further reveals that the Station House Officer, RC Puram Police Station registered a case in Cr.No.29 of 2017 against the petitioner for the offence punishable under Section 3 (1) (r) (s) of SCs & STs (POA) Amendment Act, 2015. The fact remains on the same day, two criminal cases were registered against the petitioner under the provisions of the SCs & STs (POA) Act. As per the allegations made in the complaint, the petitioner misbehaved with the 2nd respondent. It is further alleged that the petitioner abused and insulted the 2nd respondent in the name of her caste.

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 petitioner was implicated falsely at the behest of others 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, RC Puram Police Station, Ramachandrapuram Mandal, Tirupati Urban District, Chittoor District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.30 of 2017 so far as the petitioner/accused is concerned.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 21-06-2017

Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273