

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6118 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in Crime No.162 of 2016 on the file of the Station House Officer, Bhainsa (Town) Police Station, Adilabad District, registered for the offences punishable under Sections 143, 153-A(b), 188 and 341 read with 149 I.P.C., and Section 2 of the Prevention of Insults to National Honour Act, 1971.

2. The learned counsel for the petitioner submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner; therefore, it is a fit case to quash the proceedings.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is accused No.1 in Crime No.162 of 2016.

5. As per the allegations made in the complaint, on 10.09.2016 the petitioner along with others while going on motorcycles blown horns, thereby, caused inconvenience to the Muslim Community people and the police officials, who are discharging the official duty. It is further alleged that the petitioner and others raised slogans, thereby, hurt the feelings of the Muslim Community people.

6. 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 has committed the alleged offences 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gujarat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. 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 Bihar⁵**, the Station House Officer, Bhainsa (Town) Police Station, Adilabad District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.162 of 2016 so far as the petitioner/accused No.1 is concerned.

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

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

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

T.SUNIL CHOWDARY, J

Date: 26.7.2017
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