

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.22344 of 2017

ORDER:

1 This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners/A.1 to A.5 in Cr.No.78 of 2017 on the file of Station House Officer, V.Kota Police Station, Chittoor district registered for the offences punishable under Sections 3 (1) (s) 3 (2) (va) of S.C / ST (PoA) Act, 2015 and Sections 323, 324, 506 and 509 r/w 34 of IPC.

2 Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home for the State of Andhra Pradesh.

3 The learned counsel for the petitioners submitted that the fourth respondent foisted a false case against the petitioners due to civil disputes. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners.

4 The learned Assistant Government Pleader submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

5 A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the fourth respondent is the de facto complainant in Cr.No.78 of 2017. As per the allegations made in the complaint, on 17.06.2017 at 5.00 PM when two groups in the village are fighting with

each other, the fourth respondent and her son intervened to pacify the matter. It is further alleged that the petitioners herein beat the son of the second respondent with sticks and stones. It is further alleged that the petitioners abused and insulted the second respondent in the name of her caste.

6 While deciding the petition filed under Article 226 of the Constitution of India 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. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

7 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 Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v State of Gurajat³** and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

7 Taking into consideration the nature of allegations made in the complaint and in view of the principle enunciated by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, V.Kota Police Station, Chittor district is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.78 of 2017 so far as the petitioners/A.1 to A.5 are concerned.

8 With the above observations and direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

Date: 7th July, 2017
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T. SUNIL CHOWDARY, J



⁵ 2014(8) SCALE 250