

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4303 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.71 of 2017 on the file of the Station House Officer, Meerpet Police Station, Rachakonda District, registered for the offences punishable under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 506 I.P.C.

2. Learned counsel for the petitioner strenuously submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner. He further submitted that the second respondent falsely implicated the petitioner due to previous disputes.

3. *Per contra*, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *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.2 and the second respondent is the *de facto* complainant in Crime No.71 of 2017. The petitioner and second respondent are neighbours. There are some petty disputes between the petitioner and second respondent.

5. As per the allegations made in the complaint, on 01.02.2017 the petitioner along with her husband abused and insulted the

second respondent and his family members in the name of their caste.

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 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.

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 Bihar**⁵, the Station House Officer, Meerpet Police Station, Rachakonda District, is hereby directed to

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

follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.71 of 2017 so far as the petitioner/A.2 is concerned.

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: 13.06.2017
Ivd

