

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4480 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.1 to 3 in Crime No.179 of 2017 on the file of the Station House Officer, Shankarpalli Police Station, Cyberabad, registered under Sections 447, 506 and 379 IPC and under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of atrocities) Act, 2015.

2. Learned counsel for the petitioners submitted that the second respondent and others made an attempt to trespass into the land of the petitioners. He further submitted that the second respondent foisted a false case against the petitioners with an ulterior motive to knock away their property. He further submitted that the allegations made in the complaint *prima facie* do not constitute any offence, much less the offence alleged to have been committed by the petitioners under Section 3(1)(r)(s) of the SCs & STs (POA) Act. Per contra, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to constitute the offence alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant. A perusal of the record reveals that the second

respondent is an accused in Crime Nos.161 of 2016, 226 of 2016 and 115 of 2017 of Shankarpalli Police Station. A perusal of the record also reveals that the petitioners herein filed O.S.No.36 of 2017 on the file of the Junior Civil Judge, Chevella, Ranga Reddy District against the second respondent and others and obtained *status quo* order on 28.03.2017. As per the allegations made in the complaint, the second respondent and others owned an extent of Ac.14.90 guntas at Mahalingapuram Village, Shankarpally Mandal, in Survey Nos.1305 and 1306. It is further alleged that the petitioners herein trespassed into the land of the second respondent, abused and insulted him and others in the name of their caste. A perusal of the record reveals that civil and criminal cases are pending between the parties. The various queries raised by the learned counsel for the petitioners involve complexity of disputed questions of fact, which cannot be gone into at this stage.

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 have 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 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 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 to the principle enunciated by the Supreme Court in Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Shankerpalli Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.179 of 2017 so far as the petitioners/ accused Nos.1 to 3 are concerned.

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

T.SUNIL CHOWDARY, J

Date:16.06.2017
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