

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4679 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/ accused No.2 in Crime No.100 of 2017 on the file of the Station House Officer, Paloncha Town Police Station, registered under Sections 417, 420, 376, 307, 343, 427 and 506 IPC and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned counsel for the petitioner submitted that the first respondent falsely implicated the petitioner for the reasons best known to her. He further submitted that the petitioner has nothing to do with the offence punishable under Sections 376 and 307 IPC. 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 accused No.2 and the first respondent is the *de facto* complainant. As per the allegations made in the complaint, the petitioner made a false promise to the first respondent that she will perform the marriage of the first respondent with A1. It is further alleged that the petitioner abused and insulted the first respondent in the name of her caste. Even if the allegations made in the complaint *ex facie* taken to be true and correct no case is made out against the

petitioner for the offence punishable under Sections 376 and 307 IPC.

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 has 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 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, Paloncha Town Police Station, is hereby directed to follow the

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

procedure as contemplated under Section 41-A Cr.P.C. in Crime No.100 of 2017 so far as the petitioner/ accused No.2 is 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:21.06.2017
Rns

