

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5803 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners / A.1 and A.2 in Cr.No.72 of 2017 on the file of Station House Officer, Chigurumamidi Police Station, Karimnagar district, registered for the offences punishable under sections 290 and 323 of IPC and Section 3 (1) (r) (s) of S.Cs & S.Ts (PoA) Amendment Act, 2015.

2 The learned counsel for the petitioner strenuously submitted that the second respondent foisted a false case against the petitioners at the instance of his landlord by name Peech Ravinder Reddy. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners and hence this is a fit case to quash the proceedings against the petitioners.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

4 A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de-facto* complainant in Cr.No.72 of 2017 on the file of Chigurumamidi Police Station.

5 As per the allegations made in the complaint, on 04.07.2017 the petitioners bet the second respondent. It is further alleged that

the petitioners abused and insulted the second respondent in the name of his caste. A perusal of the record reveals that the first petitioner herein and one Lenkalla Mallaiah have filed O.S.No.155 of 2016 on the file of the Court of the Principal Junior Civil Judge, Husunabad against Peech Revinder Reddy and Lenkalla Mallaiah. A perusal of the record further reveals that the trial Court granted interim injunction in favour of the first petitioner in I.A.No.187 of 2016 in O.S.No.155 of 2016 against the said Peech Revinder Reddy and Lenkalla Mallaiah.

6 While disposing of the petition filed under Section 482 Cr.P.C, 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. Whether the second respondent has foisted a false case against the petitioners at the instance of Peech Revinder Reddy or not and whether the petitioners have abused and insulted the second respondent in the name of his caste or not will come to light during the course of investigation only. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v State of**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

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.

8 Having regard to 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, Chigurumamidi Police Station, Karimnagar district is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.72 of 2017 in so far as the petitioners / accused Nos.1 and 2 are concerned.

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

Date: 18th July, 2017
Kvsn

T. SUNIL CHOWDARY, J

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273