

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4052 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.41 of 2017 on the file of the Station House Officer, Chittampur Police Station, SPSR Nellore District, registered for the offences punishable under Sections 341, 324 read with 34 IPC.

2. Learned counsel for the petitioners submitted that even if the allegations made in the complaint are taken to be true and correct, no case is made out under the provisions of the Scheduled Castes and the Scheduled Tribes (POA) Act. Per contra, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de facto* complainant in Crime No.41 of 2017. As per the allegations made in the complaint, on 03.05.2017 the petitioners herein beat the second respondent and wrongfully confined her. During the course of investigation, police filed a memo before the concerned Court to add Section 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, and the same was allowed. A perusal of the record reveals that the petitioners herein submitted a complaint to the Sub-Inspector of Police,

Chittamur Police Station on 25.04.2017. It appears, no action is taken against the complaint submitted by the petitioners. It appears there are some disputes between the petitioners and the second respondent.

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. 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,

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

Chittamur Police Station, SPSR Nellore District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.41 of 2017 so far as the petitioners/ accused Nos.1 to 5 are concerned.

7. With the above direction, the Criminal Petition is disposed of.

8. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 07.06.2017
Rns

T.SUNIL CHOWDARY, J

