

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**WRIT PETITION No.23511 of 2017**

**ORDER:**

1. This writ petition is filed under Article 226 of the Constitution of India to quash FIR in Crime No.227 of 2017 on the file of the Station House Officer, Karimnagar II Town Police Station, Karimnagar District, registered under Sections 354 and 506 IPC and under Section 3(1)(r), 3(1)(s), 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioner submitted that the third respondent falsely foisted a case against the petitioner. He further submitted that the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioner. Learned Assistant Government Pleader 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 petitioner is the sole accused and the third respondent is the *de facto* complainant. As per the allegations made in the complaint, on 01.07.2017 at about 8.00 p.m., the petitioner along with others came to the house of the third respondent and made an attempt to outrage her modesty and threatened her with dire consequences. It is further alleged that the petitioner abused and insulted the third respondent in the name of her caste. The gist of the allegations made in the

complaint is that the petitioner herein outraged the modesty of the second respondent.

4. While deciding the petition filed under Article 226 of the Constitution of India 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. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**<sup>1</sup>, **State of Haryana v. Bhajan Lal**<sup>2</sup>, **V.Y.Jose v. State of Gujarat**<sup>3</sup> and **Teeja Devi v. State of Rajasthan**<sup>4</sup>, 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**<sup>5</sup>, the Station House Officer, Karimnagar II Town Police Station, Karimnagar District, is hereby

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<sup>1</sup> AIR 1960 SC 866

<sup>2</sup> AIR 1992 SC 604

<sup>3</sup> (2009) 3 SCC 78

<sup>4</sup> 2015 (1) ACR 564 (SC)

<sup>5</sup> 2014 (8) SCALE 250

directed to follow the procedure as contemplated under Section 41-A Cr.P.C., in Crime No.227 of 2017.

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

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**T.SUNIL CHOWDARY, J**

**Date:24.07.2017**

Rns

