

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5989 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.90 of 2017 on the file of the Station House Officer, Tekulapalli Police Station, Bhadradi, Kothagudem District, registered for the offences punishable under Sections 294-B and 506 IPC and 3 (1) (r) (s) of SCs & STs (POA) Act.

2. Learned counsel for the petitioners submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. He further submitted that the 2nd respondent foisted a false case against the petitioner; therefore, it is a fit case to quash the proceedings. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is the sole accused and the 2nd respondent is the *de facto* complainant in Cr.No.90 of 2017. As per the allegations made in the complaint, on 30-06-2017 at about 9.00 P.M., when the 2nd respondent was parking the vehicle, the petitioner insulted and abused him in the name of his caste. It is further alleged that the petitioner threatened him with dire consequences.

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 offences 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, Tekulapalli Police Station, Bhadradi, Kothagudem District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.90 of 2017 so far as the petitioner/sole accused is concerned.

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

T.SUNIL CHOWDARY, J

DATED: 21-07-2017

Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273