

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

**CRIMINAL PETITION No.4854 of 2017**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.43 of 2017 on the file of the Station House Officer, Bandi Atmakur Police Station, Kurnool District, registered under Sections 323 and 506 IPC and Section 14(1) and 3(1)(f)(g)(r)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner due to property disputes between them. 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 Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner, therefore, it is not a fit case to quash the proceedings at this stage.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant. The petitioner and second respondent belong to same village. As per the allegations made in the complaint, on 25.01.2017 at about 9.00 a.m., the petitioner along with

others entered into the land of the second respondent and damaged the paddy crop. It is further alleged that the petitioner abused and insulted the second respondent in the name of his caste. It is further alleged that the petitioner beat the second respondent and 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 foisted a false case due to property dispute 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**<sup>1</sup>, **State of Haryana v. Bhajan Lal**<sup>2</sup>, **V.Y.Jose v. State of Gurajat**<sup>3</sup> and **Teeja Devi v. State of**

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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

**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, Bandi Atmakur Police Station, Kurnool District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.43 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.

**Date:27.06.2017**  
Rns

**T.SUNIL CHOWDARY, J**

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

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