

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5883 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners-accused Nos.1 to 5 in Crime No.69 of 2017 on the file of the Station House Officer, Duggondi Police Station, Warangal Commissionerate, registered for the offence punishable under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners due to political rivalry. 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; therefore, it is a fit case to quash the proceedings against the petitioners. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners.

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. The record further reveals that the second respondent is Sarpanch, petitioner No.4 is Upa-Sarpanch and petitioner No.5 is Ward Member of Nachinapally Gram Panchayat. As per the allegations made in the complaint, on 25.5.2017 in the premises of the Gram Panchayat, the petitioners herein insulted the second respondent by abusing in the name of her caste. It is further alleged that the petitioners have been filing false

complaints against the second respondent one after the other with an ulterior motive to harass her.

4. While deciding the petitions 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 petitioners have committed the alleged offence 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, Duggondi Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.69 of 2017 so far as the petitioners-accused Nos.1 to 5 are concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 5 (2014) 8 SCC 273

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

T.SUNIL CHOWDARY, J

July 19, 2017.
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