

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4083 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.65 of 2017 on the file of the Station House Officer, Thondangi Police Station, East Godavari District, registered for the offences punishable under Sections 323 and 506 IPC and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the first respondent–State.

3. A perusal of the record reveals that the petitioner is sole accused and second respondent is *de facto* complainant in Crime No.65 of 2017. As per the allegations made in the complaint, on 09.5.2017, the petitioner beat the second respondent. It is further alleged that the petitioner insulted the second respondent by abusing in the name of his caste.

4. The learned counsel for the petitioner submitted that due to civil disputes, the second respondent foisted a false case against the petitioner. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter. A perusal of the record reveals that there was an agreement between the petitioner and second respondent with regard to lifting of gravel from the fields of second respondent and others.

5. 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

7. 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 Bihar⁵**, the Station House Officer, Thondangi Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.65 of 2017 so far as the petitioner/accused is concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 07.06.2017
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