

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4118 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.103 of 2017 on the file of the Station House Officer, Dharmapuri Police Station, Jagtial District, registered for the offences punishable under Sections 448, 323, 290, 354-B IPC and 3 (1) (r) (s) of SCs & STs (PoA) Amended Act.

2. Learned counsel for the petitioners submitted that the 2nd respondent foisted a false case against the petitioners due to land dispute. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint constitute the offences alleged to have been committed by the petitioners.

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.103 of 2017. As per the allegations made in the complaint, on 01-05-2017, the petitioners beat the 2nd respondent and made an attempt to outrage the modesty of the wife of the 2nd respondent. It is further alleged that the petitioners abused the 2nd respondent and his wife in the name of their caste.

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 petitioners 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, Dharmapuri Police Station, Jagtial District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.103 of 2017 so far as the petitioner/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.

DATED:08-06-2017
Hsd

T.SUNIL CHOWDARY, J

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