

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5449 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.311 of 2017 on the file of Station House Officer, Ibrahimpatnam police station, Ranga Reddy district, registered for the offences punishable under Sections 341, 363, 324, 506 of IPC and Section 3 (1) (r) (s) of SC & ST (PoA) Act, 2015

2 The learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner. He further submitted that the second respondent foisted a false case against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner.

4 A perusal of the record clearly shows that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Cr.No.311 of 2017. As per the allegations made in the complaint, on 24.6.2017 the petitioner beat the second respondent with a bottle and demanded an amount of Rs.50,000/-. It is further alleged that the petitioner abused and insulted the second respondent in the name of his caste.

5 The learned Assistant Public Prosecutor submitted that the petitioner is accused in the following cases on the file of different police stations.

Sl.No.	Cr.No.	Name of Police Station	Offences
1	267 /2014	Meerpet	419, 420, 468 and 471 of IPC
2	142/2014	Ibrahimpattam	447, 427 of IPC
3	187/2015	Ibrahimpattam	447, 323 r/w 34 IPC
4	210/2015	Ibrahimpattam	447, 427 and 508 IPC
5	274/2015	Ibrahimpattam	341, 323 and 506 IPC
6	499/2015	Ibrahimpattam	448, 506 r/w 34 IPC
7	859/2015	Ibrahimpattam	468, 419, 420 and 447 IPC
8	251/2017	Ibrahimpattam	441, 324, 427 and 506 IPC
9	311/2017	Ibrahimpattam	341, 363, 324, 506 of IPC and Section 3 (1) (r) (s) of SC & ST (PoA) Act, 2015.

6 A perusal of the record reveals that the petitioner involved in as many as 9 cases for different offences. A perusal of the record further reveals that the police concerned opened rowdy sheet against the petitioner.

7 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v State of**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

Gurajat³ and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage. However, the Station House Officer, Ibrahimpatnam police station is at liberty to follow the procedure under Section 41 A of Cr.P.C in so far as the petitioner herein who is accused in Cr.No.311 of 2017 is concerned.

8 This Criminal Petition is accordingly disposed of. As a sequel, miscellaneous petitions, if any pending in this Criminal Petition shall stand dismissed.

T. SUNIL CHOWDARY, J.

Date: 10th July 2017
Kvsn



³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)