

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4328 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.3 in Crime No.123 of 2017 on the file of the Station House Officer, Tiruvuru Police Station, Krishna District, registered for the offence punishable under Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioners submitted that the second respondent, who is an accused in Crime No.122 of 2017, foisted a false case against the petitioners. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners.

3. 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.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.123 of 2017. Basing on the complaint lodged by the first petitioner, the Station House Officer, Tiruvuru Police Station, registered a case in Crime No.122 of 2017 against the second respondent for the offences punishable under Sections 354 and 324 I.P.C. A perusal of the record clearly reveals that the incident in both the cases took place on 18.05.2017 at about 10:00 AM.

5. As per the allegations made in the complaint, on 18.05.2017 the petitioners abused and insulted the second respondent in the name of his caste.

6. The fact remains that both parties involved in the galata. In such circumstances, the investigating officer has to *prima facie* find out who are the aggressors. This is not the stage to decide who are the aggressors. 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 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.

7. 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.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Tiruvuru Police Station, Krishna District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.123 of 2017 so far as the petitioners/A.1 to A.3 are concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 14.06.2017
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T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273