

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5631 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.220 of 2017 on the file of the Station House Officer, M.R.Palli Police Station, Tirupati Rural Mandal, Tirupati, Chittoor District, registered for the offences under Sections 506, 147, 148 read with 149 IPC and under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Learned counsel for the petitioners submitted that due to civil disputes, the second respondent foisted a false case against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners, therefore, it is a fit case to quash the proceedings. ***Per contra***, learned Public Prosecutor for the State of Andhra Pradesh 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 and 2 and the second respondent is the *de facto* complainant. A perusal of the record reveals that Srinivasam Mutually Aided Co-operative House Building

Society Ltd., Tirupati filed Writ Petition No.20591/2017 seeking direction to register FIR basing on the complaint dated 29.05.2017 wherein the second respondent is respondent No.7. As per the allegations made in the complaint, on 01.07.2017 when the second respondent was attending work in his land situated at Avilala village of Chittoor District, the petitioners herein trespassed into the land, and caught hold the shirt collar of the second respondent, abused and insulted him in the name of his caste. It is further alleged that the petitioners herein threatened the second respondent with dire consequences.

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 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 Punjab¹, State of Haryana v. Bhajan Lal², V.Y.Jose v. State of Gujarat³ 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.

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 Bihar⁵**, the Station House Officer, M.R.Palli Police Station, Tirupati Rural Mandal, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.220 of 2017 so far as the petitioners/accused Nos.1 and 2 are concerned.

7. 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: 14.07.2017
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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

