

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.8164 of 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of the Criminal Procedure (Cr.P.C.), came to be filed by petitioners-A.1 to A.10 seeking quashing of FIR No.262 of 2017 of Munagala Police Station, Suryapet District, registered for the offences punishable under Sections 323, 504 and 506 read with 34 of Indian Penal Code and Section 3 (1) (r) (s), 3 (2) (va) of SCs & STs (POA) Act.

The averments in the FIR would show that on 29.08.2017 at about 4.00 p.m. when the *de facto* complainant was in Grama Panchayat Office during the visit by Trainee Collector, the petitioners-accused abused him in filthy language by touching his caste and also threatened to see his end. Basing on these allegations, the present report came to be filed.

Learned counsel for the petitioners mainly submits that earlier in the month of December, 2016, a similar report came to be lodged and due to political rivalry, the present case is foisted against the petitioners.

The issue as to whether the present report came to be lodged due to political rivalry or whether the allegations made in the report are false, can be gone into only after completion of entire investigation. It is premature to say that the allegations made against the petitioners are false. Further, the statement of the person, who was said to have been present at the time of incident, will clinch the issue, which can be looked into at a later stage.

Having regard to the above, this Court is of the view that it is premature to invoke the power conferred under Section 482 Cr.P.C. Hence, the Criminal Petition is dismissed. However, the respondent-Police shall follow the judgment of the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar and another***¹, before taking any coercive steps against the petitioners, as the offences alleged against the petitioners are punishable for a term of less than seven years,.

Consequently, miscellaneous petitions pending in this petition, if any, shall stand closed.

19.09.2016
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JUSTICE C. PRAVEEN KUMAR



¹ 2014 (2) ALT (Gr.) 457 (SC)