

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4177 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.1 to 5 in Crime No.34 of 2017 on the file of the Station House Officer, Sngarayakonda Police Station, Prakasam District, registered for the offences punishable under Sections 509, 324 and 506 read with 34 IPC and Section 3(1)(r)(s)(w), Cl.(2)(Va) 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 foisted a false case against the petitioners due to civil disputes. He further submitted that even if the allegations made in the complaint *ex-facie* taken to be true and correct, no *prima facie* case is made out against the petitioners. Per contra, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners and second respondent are neighbours. As per the allegations made in the complaint, on 22.02.2017 and 23.02.2017 the petitioners herein abused and insulted the second respondent and his family members in the name of their caste. It is further alleged that the

petitioners herein beat the second respondent and threatened him 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 there are any civil disputes pending between the parties 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,

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

Sngarayakonda Police Station, Prakasam District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.34 of 2017 so far as the petitioners/ accused Nos.1 to 5 are concerned.

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

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

Date: 09.06.2017
Pns

T.SUNIL CHOWDARY, J

