

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.17969 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners-accused Nos.1 to 9 in Crime No.194 of 2017 on the file of the Station House Officer, Chevella Police Station, Cyberabad, registered for the offences punishable under Sections 323 and 504 read with 34 IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. The learned counsel for the petitioners submitted that the allegations made in the complaint do not constitute the offences, much less, the offences alleged to have been committed by the petitioners. He further submitted that respondent No.4-*de facto* complainant falsely implicated the petitioners due to village politics.

3. *Per contra*, learned Assistant Government Pleader submitted that the allegations made in the complaint, *prima facie*, constitute the offences alleged to have been committed by the petitioners. He further submitted that this is not the stage to go into the merits of the main case.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 9 and respondent No.4 is the *de facto* complainant in Crime No.194 of 2017. As per the allegations made in the complaint, on 16.05.2017 the petitioners herein abused the family members of respondent No.4 in the name of their caste. On 17.05.2017 also the

petitioners abused respondent No.4 in the name of his caste. It is further alleged that the petitioners beat respondent No.4 and threatened him with dire consequences.

5. Whether the petitioners have committed the offences alleged or not will come to light during the course of investigation. The various queries raised by the learned counsel for the petitioners are purely disputed questions of fact, which cannot be gone at this point of time. While deciding the petition filed under Article 226 of the Constitution of India, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6. 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.

7. The learned counsel for the petitioners submitted that the Station House Officer, Chevella Police Station, Cyberabad, may be

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

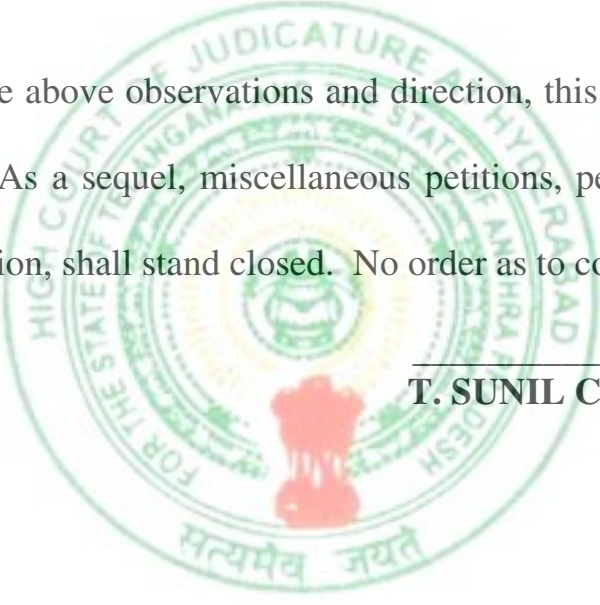
directed not to arrest the petitioners pending investigation in the crime.

8. Taking into consideration the nature of allegations made in the complaint and in view of the principle enunciated by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**⁵, the Station House Officer, Chevella Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.194 of 2017 so far as the petitioners/accused Nos.1 to 9 are concerned.

9. With the above observations and direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed. No order as to costs.

9th June 2017.

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**T. SUNIL CHOWDARY, J**

⁵ 2014(8) SCALE 250