

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4246 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.30 of 2017 on the file of the Station House Officer, Gudur II Town Police Station, Nellore District, registered for the offences punishable under Sections 341 and 506 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioner submitted that the second respondent obtained blank promissory note and cheques from the petitioner in the police station for the reasons best known to him. She further submitted that the allegations made in the complaint do not constitute any offence much less the offences punishable under Sections 341 and 506 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act.

3. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* constitute the offences alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.30 of 2017.

5. As per the allegations made in the complaint, on 31.05.2017 when the second respondent demanded the petitioner to repay the

money for which the petitioner threatened the second respondent with dire consequences. It is further alleged that the petitioner insulted the second respondent in the name of his caste.

6. A perusal of the record reveals that the petitioner got issued a legal notice dated 30.05.2017 to the second respondent. It further reveals that there are some business transactions between the petitioner and the second respondent.

7. 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 petitioner has committed the alleged offences 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.

8. 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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

9. 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, Gudur II Town Police Station, Nellore District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.30 of 2017 so far as the petitioner/accused is concerned.

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

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

Date: 12.06.2017
Ivd

T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273