

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6162 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 11 in Crime No.80 of 2017 on the file of the Station House Officer, Peddemul Police Station, Ranga Reddy District, registered for the offences punishable under Sections 323, 324 and 506 read with 34 I.P.C., and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel for the petitioners submitted that the second respondent foisted a false complaint against the petitioners as a counter blast to Crime No.79 of 2017. 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.

3. The learned Assistant Public Prosecutor submitted that the second respondent sustained injuries in the hands of the petitioners; therefore, it is not a fit case to quash the proceedings.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 11 and the second respondent is the *de-facto* complainant in Crime No.80 of 2017.

5. As per the allegations made in the complaint, on 30.06.2017 when the second respondent was cleaning the shrubs and bushes on the bund of Mallappa Kunta under the Mission Kakatiya Programme, the petitioners herein came to the spot and beat him.

It is further alleged that the petitioners herein abused and insulted the second respondent in the name of his caste. It is also alleged that the petitioners threatened the second respondent with dire consequences.

6. 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 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.

7. 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 Gujarat**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.

8. 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, Peddemul Police Station, Ranga Reddy District, is hereby directed

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

to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.80 of 2017 so far as the petitioners/accused Nos.1 to 11 are concerned.

9. 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: 26.07.2017
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