

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4514 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.35 of 2017 on the file of Station House Officer, CK Dinne Police Station, Kadapa District registered for the offences punishable under Sections 509 of IPC and Section 3 (1) (f) (r) (s) of SC & ST (PoA) Act 2015.

2 The learned counsel for the petitioner submitted that the second respondent is in the habit of filing complaint against the villagers for the sake of money. 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 petitioner, therefore, it is a fit case to quash the proceedings against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Andhra Pradesh submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner.

3 A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the de-facto complainant. As per the allegations made in the complaint, on 28.03.2017 the petitioner abused and insulted the second respondent in the name of her caste. It is further alleged that the petitioner threatened the second respondent with dire consequences. A perusal of the record reveals that the second respondent submitted a letter to the

Station House Officer, CK Dinne Police Station, Kadapa District withdrawing the complaint lodged against the petitioner.

4 Whether the petitioner has insulted the second respondent or not will come to light during the course of investigation only. So also the validity or genuineness of the letter said to have been submitted by the second respondent will also be decided during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, 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.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, CK Dinne Police Station, may be directed not to arrest the petitioner pending investigation in the crime.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

7 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, Patancheru Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.35 of 2017 so far as the petitioner/accused is concerned.

8 With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 16th June, 2017
Kvsn

T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273