

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6105 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.55 of 2017 on the file of the Station House Officer, C.Belgal Police Station, Kurnool District, registered for the offences under Section 506 IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015.

2. Learned counsel for the petitioner strenuously submitted that the Sarpanch of Kondapuram village, through the second respondent, foisted a false case against the petitioner. 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. ***Per contra***, learned Public Prosecutor for 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; therefore, it is not a fit case to quash the proceedings.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant. It is not in dispute that the construction work of the Anganwadi Building was entrusted to the petitioner.

As per the allegations made in the complaint, on 11.07.2017 at about 7.00 a.m., the Sarpanch of the village directed the second respondent to complete the remaining work of the Anganwadi Building. As per the directions of the Sarpanch, on the same day at 10.00 a.m., the second respondent along with other coolies has been attending the construction work. It is further alleged that the petitioner came to the construction area, questioned the second respondent at whose direction he has been doing the work and insulted him by abusing in the name of his caste.

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 the sarpanch of the village set up the second respondent 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 Punjab¹**, **State of Haryana v. Bhajan Lal²**,

¹ AIR 1960 SC 866

V.Y.Jose v. State of Gujarat³ 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.

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 Bihar⁵**, the Station House Officer, C.Belgal Police Station, Kurnool District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.55 of 2017.

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

Date:25.07.2017
Rns

T.SUNIL CHOWDARY, J

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273