

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5842 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.60 of 2017 on the file of the Station House Officer, Chigurumamidi Police Station, Karimnagar District, registered for the offences punishable under Sections 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 strenuously submitted that in order to extract money from the petitioners, the first respondent foisted a false case against them. 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.

3. The learned Assistant Prosecutor submitted that the allegations made in the complaint constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the first respondent is the *de-facto* complainant in Crime No.60 of 2017. It further reveals that the wife of the first respondent, who is the daughter of petitioner Nos.1 and 3 had filed O.S.No.142 of 2015 on the file of the Court of the III Additional District Judge at Karimnagar, for partition of the suit schedule property. The daughter of petitioner Nos.1 and 3 married the first respondent on 14.06.2010. For one reason or other, there

is no cordial relationship between the petitioners and wife of the first respondent.

5. As per the allegations made in the complaint, on 22.06.2017 when the first respondent and his wife were proceeding towards their agriculture fields, the petitioners herein beat them and threatened them with dire consequences. It is further alleged that the petitioners herein abused and insulted the first respondent in the name of his caste.

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 Punjab¹**, **State of Haryana v. Bhajan Lal²**, **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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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, Chigurumamidi Police Station, Karimnagar District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.60 of 2017 so far as the petitioners/accused Nos.1 to 3 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.

Date: 19.07.2017
Ivd

T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273