

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5215 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.3 in Crime No.158 of 2016 on the file of the Station House Officer, Kadapa Taluk Police Station, Y.S.R. Kadapa District, registered for the offences punishable under Sections 448, 323, 355 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 petitioner submitted that the second respondent foisted a false case against the petitioner even though he has no connection with accused Nos.1 and 2. 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.

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

4. A perusal of the record reveals that the petitioner is accused No.3 and the second respondent is the *de-facto* complainant in Crime No.158 of 2016.

5. As per the allegations made in the complaint, on 17.11.2016 the petitioner stopped the lorry in front of the shop of the second respondent. When the second respondent asked the petitioner and other accused to remove the lorry in front of his shop, they

trespassed into his shop, beat him and threatened him with dire consequences. It is further alleged that the petitioner along with the other accused abused and insulted the second 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 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.

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, Kadapa Taluk Police Station, Y.S.R. Kadapa District, is hereby

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

directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.158 of 2016 so far as the petitioner/accused No.3 is concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 06.07.2017
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