

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3993 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-accused Nos.1 and 2 in Crime No.131 of 2017 on the file of the Station House Officer, Prakash Nagar Police Station, Rajamahendravaram, East Godavari District, registered for the offences punishable under Sections 420, 506 read with 34 IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the first respondent-State of Andhra Pradesh.

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and second respondent is *de facto* complainant in Crime No.131 of 2017. As per the allegations made in the complaint, the petitioners have collected an amount of Rs.1,30,000/- on different dates from the second respondent on the pretext that that they will provide Government job to her. It is further alleged that the petitioners have also collected money from different persons by making false promise that they will provide Government jobs. It is also alleged that when the second respondent insisted for return of money, as the petitioners did not provide job, the petitioners insulted her in the name of her caste.

4. The learned counsel for the petitioners submitted that necessary particulars are not mentioned in the complaint of the second respondent; therefore, it is a fit case to quash the

proceedings. The learned Assistant Public Prosecutor submitted that this is not the stage to go into the merits of the main case.

5. 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 any offence much less the offences as alleged by the second respondent in the complaint, 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.

6. 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 Gurajat³** 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.

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 Bihar⁵**, the Station House Officer, Prakash Nagar Police Station, Rajamahendravaram, East Godavari District, is hereby directed to follow the procedure as contemplated

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

under Section 41A Cr.P.C., in Crime No.131 of 2017 so far as the petitioners-accused Nos.1 and 2 are 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.

T.SUNIL CHOWDARY, J

Date: 06.06.2017

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