

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4219 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.6 in Crime No.221 of 2017 on the file of the Station House Officer, Chevella Police Station, Cyberabad, registered for the offences punishable under Section 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. Learned counsel for the petitioners submitted that in view of pendency of O.S.No.63 of 2016, the second respondent foisted a false case against the petitioners. 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. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 6 and the second respondent is the *de facto* complainant in Crime No.221 of 2017. It further reveals that basing on the complaint lodged by the first petitioner, the Station House Officer, Chevella Police Station, registered a case in Crime No.220 of 2017 against the second respondent and others for the offences punishable under Sections 447, 427, 504, 506 and 324 read with 34 I.P.C. It also reveals that petitioner Nos.1 and 2 have

filed O.S.No.63 of 2016 on the file of the Court of the District Judge, Ranga Reddy District at Vikarabad against the second respondent and others for cancellation of the sale deed dated 30.07.2015, 20.07.2016 and 20.07.2016. It is not in dispute that civil dispute is pending between the parties in respect of an extent of Ac.27.30 guntas of land in Survey Nos.212/A, 213/AA, 214/A and 239 situated at Aloor-1 Village, Chevella Mandal, Ranga Reddy District.

5. As per the allegations made in the complaint, the petitioners beat the second respondent and others. It is further alleged that the petitioners abused and insulted the second respondent and others in the name of their caste.

6. Admittedly, both parties quarrelled with each other on 31.05.2017. Who are the aggressors will be decided during the course of investigation. 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 Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gurajat**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, Chevella Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.221 of 2017 so far as the petitioners/A.1 to A.6 are 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: 13.06.2017
Ivd

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