

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4682 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/ accused No.2 in Crime No.116 of 2016 on the file of the Station House Officer, Maddur Police Station, registered under 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 submitted that the first respondent falsely implicated the petitioner who was not in the village on 20.12.2016. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner. Learned Assistant Public Prosecutor submitted that whether the petitioner was in the village on the date of incident or not will come to light during the course of investigation. He further submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is accused No.2 and the first respondent is the *de facto* complainant. As per the allegations made in the complaint, on 20.12.2016 the petitioner herein along with others abused and insulted the first respondent in the name of his caste near Gram Panchayat office,

Dhulimitta village. It is further alleged that the petitioner herein threatened the first respondent with dire consequences.

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 petitioner was in the village on 20.12.2016 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 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.

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 Bihar*⁵, the Station House Officer, Maddur Police Station, is hereby directed to follow the procedure

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

as contemplated under Section 41-A Cr.P.C. in Crime No.116 of 2016 so far as the petitioner/ accused No.2 is concerned.

7. 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:21.06.2017
Rns

