

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4251 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.236 of 2017 on the file of the Station House Officer, Karimnagar Rural Police Station, Karimnagar District, registered for the offence punishable under 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 the *lis* involved between the parties is purely civil in nature. He further submitted that the second respondent foisted a false case against the petitioners in order to overcome the latches on his part.

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 and 2 and the second respondent is the *de facto* complainant in Crime No.236 of 2017. The petitioners entered into an agreement with the second respondent on 31.10.2016 to sell the immovable property and received an amount of Rs.5,00,000/- towards advance money. The second respondent issued a paper publication on 11.05.2017. The petitioners filed O.S.No.28 of 2017 on the file of the Court of the Principal Senior Civil Judge at Karimnagar against the second respondent seeking perpetual injunction.

5. As per the allegations made in the complaint, on 12.05.2017 the petitioners insulted the second respondent in the name of his caste. It is the case of the second respondent that the petitioners intentionally evading to execute the sale deed in his favour.

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 offence 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, Karimnagar Rural Police Station, Karimnagar 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.236 of 2017 so far as the petitioners/A.1 and A.2 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: 12.06.2017
Ivd

