

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.21776 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioner/accused No.1 in Crime No.91 of 2017 on the file of the Station House Officer, Khanapur Police Station, Warangal Commissionerate, registered for the offences punishable under Sections 509, 506 and 354D read with 34 I.P.C. and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel for the petitioner strenuously submitted that the fifth respondent foisted a false case against the petitioner for the reasons best known to her. 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 Assistant Government Pleader submitted that the allegations made in the complaint, *prima facie*, constitute the offences alleged to have been committed by the petitioners.

4. A perusal of the record reveals that the petitioner is accused No.1 and the fifth respondent is the *de-facto* complainant in Crime No.91 of 2017. It further reveals that the marriage of the fifth respondent was performed with one Boda Ganesh on 14.06.2017, as per Hindu rites and caste customs.

5. As per the allegations made in the complaint, the petitioner herein used to send objectionable messages to the fifth respondent and her husband constantly. It is further alleged that the petitioner made several attempts to contact the fifth respondent, who is a married woman.

6. While deciding the petition filed under Article 226 of the Constitution of India the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

7. Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v State of Gujarat³** and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the proceedings at this stage.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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, Khanapur Police Station, Warangal Commissionerate, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.91 of 2017 so far as the petitioner/accused No.1 is concerned.

9. With the above direction, this Writ Petition is disposed of. As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand closed.

Date: 06.07.2017
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T. SUNIL CHOWDARY, J

⁵ (2014) 8 SCC 273