

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.21519 of 2017

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking to quash the proceedings against the petitioners/accused Nos.1 to 8 in Crime No.57 of 2017 on the file of Station House Officer, Proddatur I Town Police Station, Kadapa District, registered for the offences punishable under Sections 147, 188 and 353 read with 34 I.P.C., and Section 3 of the Prevention of Damage to Public Property Act.

2. The learned counsel for the petitioners 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. 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 petitioners are accused Nos.1 to 8 and the third respondent is the *de-facto* complainant in Crime No.57 of 2017.

5. As per the allegations made in the complaint, on 16.04.2017 the petitioners herein trespassed into the meeting hall. The gist of the allegations made in the complaint is that the petitioners prevented the third respondent from discharging his official duties.

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 petitioners have committed the offences alleged 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 this is not a fit case to quash the proceedings at this stage.

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 Bihar⁵**, the Station House Officer, Proddatur I Town Police Station, Kadapa District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.57 of 2017 so far as the petitioners/accused Nos.1 to 8 are concerned.

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

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.

T. SUNIL CHOWDARY, J

Date: 04.07.2017
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