

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5523 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 6 in Crime No.128 of 2017 on the file of the Station House Officer, Jangareddygudem Police Station, West Godavari District, registered for the offences punishable under Section 323 read with 34 I.P.C. and Sections 3(2)(va) and 3(1)(s) of the Scheduled Castes and the Scheduled Castes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel for the petitioners submitted that the second respondent falsely implicated petitioner Nos.2 to 6 even though they were not in Jangareddygudem on 10.04.2017. He further submitted that the second respondent has been filing criminal cases one after another against the petitioners herein to harass them. He also 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 Public Prosecutor 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 6 and the second respondent is the *de-facto* complainant in Crime No.128 of 2017. It further reveals that the marriage of the second respondent was performed with the first petitioner on 31.12.2012 at Boudha Dharma Prachara Trust

Registrar Office, Eluru. It also reveals that the first petitioner is facing trial in C.C.No.164 of 2014 on the file of the Court of the II Additional Junior Civil Judge, Tenali, for the offence punishable under Section 498-A I.P.C.

5. As per the allegations made in the complaint, on 10.04.2017 the petitioners herein beat the second respondent. It is further alleged that the petitioners abused and insulted the second respondent in the name of her caste.

6. Whether petitioner Nos.2 to 6 were attended the Court on 10.04.2017 or not will come to light 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. 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 Gujarat**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.

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, Jangareddygudem Police Station, West Godavari District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.128 of 2017 so far as the petitioners/accused Nos.1 to 6 are concerned.

9. With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 13.07.2017
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T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273