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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13571 of 2015

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.289 of 2015 on the file of the Station House Officer, Subedari Police Station, Warangal Urban, Warangal District, registered for the offence under Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. 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.289 of 2015. It further reveals that the second respondent filed a complaint under Section 200 Cr.P.C. on the file of the IV Additional Judicial First Class Magistrate at Warangal, who in turn transferred the same to the Station House Officer, Subedari Police Station under Section 156 (3) Cr.P.C. After following the due procedure as contemplated under Cr.P.C., the Station House Officer, Subedari registered a case in Crime No.289 of 2015.

4. As per the allegations made in the complaint, on 08.10.2015 at about 2:00 PM, the petitioners have insulted the second respondent in the name of her caste in the presence of others.

5. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation only. 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.

6. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

8. Having regard to the nature of employment of the petitioners, this Court is inclined to direct the Station House Officer, Subedari Police Station, Warangal Urban, Warangal District, not to arrest the petitioners/A.1 and A.2 in Crime No.289 of 2015 till completion of the investigation. The petitioners are directed to co-operate with the investigating officer during the course of investigation.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 21.12.2015

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604