

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3367 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.25 of 2015 of Jannaram Police Station, Adilabad District registered for the offences under Section 506 I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.25 of 2015.

4. As per the allegations made in the complaint, on 29.03.2015 at about 1:00 PM, the petitioner insulted the second respondent in the name of his caste in the presence of others. It is further alleged that the petitioner threatened the second respondent with dire consequences.

5. As rightly pointed out by the learned counsel for the petitioner, the alleged incident took place on 29.03.2015 and the complaint was lodged on 31.03.2015. Mere delay in lodging the complaint by itself is not a valid ground to discard the version of the prosecution at the initial stage of the investigation.

6. While deciding the petition 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 principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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

9. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Jannaram Police Station, Adilabad District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.25 of 2015 so far as the petitioner/accused is concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 24.04.2015

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