

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.768 of 2014

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/sole accused in Crime No.4 of 2014 on the file of Vizianagaram I Town Police Station, registered for the offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioner, learned counsel for respondent Nos.2 to 5 and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is sole accused and the respondent Nos.2 to 5 are the *de facto* complainant and victims in Crime No.4 of 2014. As per the allegations made in the complaint, the petitioner insulted respondent Nos.2 to 5, who are members of Scheduled Caste, by abusing them in the name of their caste. A perusal of the record reveals that civil disputes are pending between the parties. Whether the petitioner insulted respondent Nos.2 to 5 by abusing them in the name of their caste or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose V State of Gurajat and Teeja Devi v. State of Rajasthan**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. A perusal of the record reveals that initially this court granted interim stay on 30.1.2014. Having regard to the facts

and circumstances of the case and also in view of the order of this court dated 30.1.2014, the Station House Officer, Vizianagaram I Town Police Station is hereby directed not to arrest the petitioner/ accused till completion of the investigation.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 04, 2015.

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