

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9994 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.104 of 2010 on the file of the Station House Officer, Bhoothpur Police Station, Mahabubnagar 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 petitioner and the learned Public Prosecutor representing the State.

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.104 of 2010.

4. As per the allegations made in the complaint, on 24.05.2010 at about 4:30 PM, the petitioner removed the boundary stones in the land of the second respondent. It is further alleged that on 14.06.2010, the petitioner abused the second respondent in the name of his caste in the presence of the panchayat elders.

5. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case against the petitioner due to village politics.

6. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

7. 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.

8. 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 Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

9. 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.

10. A perusal of the record reveals that on 19.10.2010 this Court granted interim stay for a period of four weeks.

11. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 19.10.2010, the Station House Officer, Bhoothpur Police Station, Mahabubnagar District, is hereby directed not to arrest the petitioner/accused in Crime No.104 of 2010 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

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Date: 25.02.2016

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

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

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)