

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9244 of 2010

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners-A1 and A2 in Crime No.309 of 2010 on the file of Station House Officer, Malakpet Police Station, Hyderabad registered for the offences under Sections 504 and 506 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the Act).

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

3. The petitioners are A1 and A2 and the second respondent is *de facto* complainant in Crime No.309 of 2010. As per the allegations made in the complaint, on 19.8.2010 at about 3.30 P.M., the petitioners insulted the second respondent in the name of her caste. It is further alleged that the petitioners threatened the second respondent with dire consequences. A perusal of the record reveals that the petitioners submitted several complaints against the second respondent to Municipal Authorities. The second respondent filed O.S. No.3101 of 2010 on the file of the court of VI Junior Civil Judge, City Civil Court, Hyderabad against the Municipal Authorities. Whether the petitioners committed the alleged offences or not will come to light during the course of investigation only.

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**^[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.

6. The learned counsel for the petitioners submitted that the
concerned Station House Officer may be directed not to arrest the
petitioners. A perusal of the record reveals that this court granted
interim stay on 17.9.2010. Having regard to the facts and
circumstances of the case and in view of the earlier orders of this court
dated 17.9.2010, the Station House Officer, Malakpet Police Station is
hereby directed not to arrest the petitioners-A1 and A2 till completion
of investigation in Crime No.309 of 2010.

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

February 23, 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)