

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
CRIMINAL PETITION No.10433 of 2010

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/accused in Cr.No.331 of 2010 on the file of Station House Officer, Hanamkonda Police Station, Warangal District, registered for the offences punishable under Section 3(1) (x) of the S.C. & S.T (PoA) Act.

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

3 The petitioner is the sole accused and the first respondent is the *de-facto* complainant in Cr.No.331 of 2010. As per the allegations made in the complaint, on 09.10.2010 the petitioner herein insulted the first respondent in the name of his caste and abused him in filthy language.

4 The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. He further submitted that the first respondent filed the present complaint at the instance of one Pulla Bhaskara Rao. A perusal of the record reveals that on 08.10.2010 the petitioner lodged a complaint to the Station House Officer, Hanamkonda Police Station against the said Pulla Bhaskara Rao.

5 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand

and also the principle laid down 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 proceedings at this stage.

7 The learned counsel for the petitioner submitted that the Station House Officer, Hanamkonda Police Station may be directed not to arrest the petitioner pending investigation in the crime.

8 As seen from the record, this Court on 25.10.2010 granted interim stay of all further proceedings in Cr.No.331 of 2010. Having regard to the facts and circumstances of the case and also the interim order granted by this Court on 25.10.2010, which is in force till today, the Station House Officer, Hanamkonda Police Station is hereby directed not to arrest the petitioner who is accused in Cr.No.331 of 2010 till completion of investigation.

9 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 17.03.2016

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)