

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9930 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 and 2 in Crime No.36 of 2010 on the file of the Station House Officer, Ramasamudram Police Station, Chittoor District, registered for the offences under Sections 323 and 506 read with 34 I.P.C. and Sections 3 (1) (i), (x), (xi) and (xiv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.36 of 2010.

4. As per the allegations made in the complaint, on 15.06.2010 at about 3:30 PM, the petitioners along with other accused beat the second respondent. It is further alleged that the petitioners insulted the second respondent in the name of her caste.

5. The learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners and others at the instance of one Ramakrishna. He further submitted that there is a delay in lodging the complaint.

6. If this Court expresses any opinion with regard to the contentions raised by the learned counsel for the petitioners, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

10. A perusal of the record reveals that on 07.10.2010 this Court granted interim stay for a period of four weeks and thereafter on 29.12.2010 the same was extended by six more weeks.

11. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 07.10.2010, the Station House Officer, Ramasamudram Police Station, Chittoor District, is hereby directed not to arrest the petitioners/accused Nos.1 and 2 in Crime No.36 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)