

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9514 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.126 of 2016 on the file of the Station House Officer, Begum Bazar Police Station, Hyderabad City, 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.126 of 2016.

4. As per the allegations made in the complaint, on 18.05.2016, the petitioner herein abused the second respondent in the name of his caste.

5. Learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner.

6. The fact remains that the alleged incident took place on 18.05.2016, whereas the complaint was lodged on 23.10.2016. It is a settled principle of law that mere delay in lodging the complaint by itself is not a valid ground to quash the proceedings at the initial stage.

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. Taking into consideration the nature of the allegations made against the petitioner, this Court is inclined to direct the Station House Officer, Begum Bazar Police Station, Hyderabad City, not to arrest the petitioner/accused in Crime No.126 of 2016 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 01.07.2016

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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)