

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3950 of 2017

ORDER:

1. This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.866 of 2016 on the file of the Station House Officer, Meerpet Police Station, Ranga Reddy District, registered for the offences punishable under Section 3(i)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Telangana.

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.866 of 2016.

4. As per the allegations made in the complaint, on 22.11.2016 at about 3.00 p.m. the petitioner herein insulted the second respondent in the name of his caste.

5. Learned counsel for the petitioner submitted that there is a delay in filing the complaint, that itself indicates that the petitioner was falsely implicated in this case. The learned Assistant Public Prosecutor submitted that mere delay in lodging a complaint by itself is not a legally valid ground to discard the prosecution version.

6. 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in R.P.Kapoor v. State of Punjab<sup>1</sup>, State of Haryana v. Bhajan Lal<sup>2</sup>, V.Y.Jose v. State of Gurajat<sup>3</sup> and Teeja Devi v. State of Rajasthan<sup>4</sup>, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in Arnesh Kumar v. State of Bihar<sup>5</sup>, the Station House Officer, Meerpet Police Station, Ranga Reddy District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.866 of 2016 so far as the petitioner/accused is concerned.

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<sup>1</sup> AIR 1960 SC 866

<sup>2</sup> AIR 1992 SC 604

<sup>3</sup> (2009) 3 SCC 78

<sup>4</sup> 2015 (1) ACR 564 (SC)

<sup>5</sup> 2014 (8) SCALE 250

9. With the above direction, the Criminal Petition is disposed of.

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

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T.SUNIL CHOWDARY, J

Date: 06.06.2017

Rns

