

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4863 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.109 of 2017 on the file of Station House Officer, Geesugonda Police Station, registered for the offences punishable under Sections 290, 323 and 506 of IPC and Section 3 (1) (r) of SC & ST (PoA) Act, 2015.

2 The learned counsel for the petitioner submitted that there is a delay of three months in lodging the complaint, that itself indicates that the second respondent foisted a false case against the petitioner. He further submitted that due to civil disputes the second respondent foisted a false case against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint are prima facie sufficient to investigate into the matter.

4 A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de-facto* complainant. A perusal of the record reveals that O.S.No.966 of 2015 on the file of the Court of the V Additional Junior Civil Judge, Warangal is pending between the petitioner and the farther of the second respondent. As per the allegations made in the complaint, on 20.03.2017 the petitioner beat the second respondent and threatened him with dire consequences. It is further alleged that the petitioner abused and insulted the second respondent in the name of his caste.

5 Mere delay in lodging the complaint by itself is not a valid ground to quash the proceedings. 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, Geesugonda Police Station may be directed not to arrest the petitioner pending investigation in the crime.

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**⁵, the Station House Officer,

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

Geesugonda Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.109 of 2017.

9 With the above direction, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 27th June, 2017
Kvsn

