

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.635 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure, is filed by the petitioners/Accused to quash the proceedings in Crime No.197 of 2016 of Kothavalasa Police Station, Vizianagaram District. The petitioners alleged to have committed the offences punishable under Sections 341 and 324 read with 34 of IPC and Section 3 (1) (r) (iii) (i) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Sri O.Kailashnath Reddy, learned counsel for the petitioners, has strenuously argued that there is no connecting link in the complaint to show as to how the defacto complainant could identify the petitioners and the very fact of lodging the complaint with a day's delay is sufficient to view that the defacto complainant has falsely implicated the petitioners by concocting the allegations levelled, more particularly, under the Special Act. Learned counsel also read over the contents of the complaint.

Except the complaint, no other material is available at this stage. Of course, invariably, what is required to be considered at this stage is whether, from the complaint averments, commission of cognizable offence is made out or not? and whether there are *prima facie* allegations in that direction?

The complaint averments would clearly show the allegations levelled and constitute *prima facie* allegations to proceed with the investigation, as the abuses and the overt acts have been mentioned therein. So far as the delay in lodging the complaint on the next date of the occurrence is concerned, the same can only be looked into by the Investigating Agency while collecting the evidences and filing a report. Therefore, it cannot be said at this stage that there is abuse of process of law that could be viewed from the complaint nor can it be said that there are no *prima facie* allegations to proceed with the investigation.

Hence, the Criminal Petition is dismissed at the stage of admission itself. It is needless to observe that the Investigating Officer shall proceed with the investigation uninfluenced by the observations made in the present petition.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

A. SHANKAR NARAYANA, J

January 30, 2017.

v v