

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5952 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners / A.1 to A.5 in Cr.No.85 of 2017 on the file of Station House Officer, Kirlampudi Police Station, East Godavari District, registered for the offences punishable under sections 506 r/w 34 of IPC and Section 3 (1) (r) (s) of S.Cs & S.Ts (PoA) Amendment Act, 2015.

2 The learned counsel for the petitioner strenuously submitted that the second respondent foisted a false case against the petitioners for the reasons best known to her. He further submitted that there is a delay in lodging the complaint, therefore, this is a fit case to quash the proceedings against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioners.

3 The learned Public Prosecutor representing the State of Andhra Pradesh submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioners.

4 A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de-facto* complainant in Cr.No.85 of 2017 on the file of Kirlampudi Police Station.

5 As per the allegations made in the complaint, on 16.6.2017 at about 3.00 PM, the petitioners abused the second respondent, who is the Sarpanch of the village, in the name of her caste. It is further alleged that on 20.06.2017 at about 9.00 PM, the petitioners insulted the husband of the second respondent in the name of their caste. As pointed out by the learned counsel for the petitioners, the alleged first incident took place on 16.6.2017 and the alleged second incident took place on 20.06.2017. However, the complaint was lodged on 21.06.2017. It is needless to say that mere delay in lodging the complaint by itself is not a legally valid ground to quash the proceedings at this stage.

6 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. Whether the petitioners have abused and insulted the second respondent in the name of her caste or not will come to light during the course of investigation only. 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.

7 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**

¹ AIR 1960 SC 866

² AIR 1992 SC 604

Gurajat³ and **Teeja Devi v State of Rajasthan⁴**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

8 Having regard to the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar⁵**, the Station House Officer, Kirlampudi Police Station, Hyderabad is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.85 of 2017 in so far as the petitioners / accused Nos.1 to 5 are concerned.

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

Date: 20th July, 2017
Kvsn

T. SUNIL CHOWDARY, J

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273