

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5306 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner / A.1 in Cr.No.155 of 2017 on the file of Station House Officer, Saidabad Police Station, Hyderabad, registered for the offences punishable under sections 3(1) (s) of S.Cs & S.Ts (PoA) Amendment Act, 2015.

2 The learned counsel for the petitioner strenuously submitted that basing on the complaint lodged by the mother of the petitioner, the Station House Officer Saidabad Police Station registered a case in Cr.No.154 of 2017 for the offences punishable under Sections 325 and 354 r/w 34 of IPC against the son of the second respondent and others, therefore, the second respondent foisted a false case against the petitioner. 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 petitioner and hence this is a fit case to quash the proceedings against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Telangana 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 petitioner is accused No.1 and the second respondent is the *de-facto* complainant in Cr.No.155 of 2017 on the file of Saidabad Police Station.

5 A perusal of the record reveals that basing on the complaint lodged by the mother of the petitioner, the Station House Officer Saidabad Police Station registered a case in Cr.No.154 of 2017 against the son of the second respondent and others for the offences punishable under Sections 325 and 354 of IPC. As per the allegations made in the complaint, on 07.06.2017 the petitioner abused and insulted the second respondent in the name of his caste.

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 petitioner has abused and insulted the second respondent in the name of his 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 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.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

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 Bihar**⁵, the Station House Officer, Saidabad Police Station, Hyderabad is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.155 of 2017 in so far as the petitioner / accused No.1 is 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: 6th July, 2017
Kvsn

T. SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273