

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3862 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.25 of 2017 on the file of the Station House Officer, Naidupet Police Station, Sri Potti Sri Ramulu Nellore District, registered for the offences punishable under Section 323 IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3. A perusal of the record reveals that the petitioner is accused and second respondent is *de facto* complainant in Crime No.25 of 2017. As per the allegations made in the complaint, the petitioner abused the second respondent in filthy language in the name of his caste, with an intention to insult him within the public view.

4. The learned counsel for the petitioner submitted that there is a delay of eight (8) days in lodging the complaint with the Police. It is needless to say that mere delay in lodging the complaint by itself is not a valid ground to quash the criminal proceedings.

5. 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.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

7. 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 Bihar⁵**, the Station House Officer, Naidupet Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.25 of 2017 so far as the petitioner/accused is concerned.

8. 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: 02.06.2017
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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