

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5063 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.51 of 2017 on the file of the Station House Officer, Hajipur Police Station, Mancherial District, registered for the offences punishable under Sections 324 and 323 I.P.C., and Section 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner at the instance of one Ashari Rajamallu. He further submitted that there is a delay of one day in lodging the complaint. He also submitted that the allegations made in the complaint do not constitute any offence much the offences alleged to have been committed by the petitioner.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de-facto* complainant in Crime No.51 of 2017.

5. As per the allegations made in the complaint, on 17.05.2017 the petitioner herein beat the father of the second respondent. It is further alleged that the petitioner insulted the second respondent

and her father in the name of their caste. The alleged incident has taken place on 17.05.2017, whereas the complaint was lodged on 18.05.2017. Mere delay in lodging the complaint by itself is not a valid ground to quash the proceedings at this point of time.

6. 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. Whether the petitioner has committed the alleged offences or not will come to light during the course 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gujarat**³ and **Teeja Devi v. State of Rajasthan**⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

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, Hajipur Police Station, Mancherial District, is hereby directed to

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

follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.51 of 2017 so far as the petitioner/sole accused is concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.07.2017
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