

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3016 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.12 of 2017 on the file of the Station House Officer, Kamalapur Police Station, Warangal City, registered for the offences punishable under Section 504 IPC and Sections 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the petitioner submitted that even of the allegations made in the complaint are *ex facie* taken to be true and correct, no case is made out against the petitioner. He further submitted that there was delay in lodging the complaint. The learned Assistant Public Prosecutor for the first respondent-State submitted the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

3. A perusal of the record reveals that the petitioner is sole accused and second respondent is *de facto* complainant in Crime No.12 of 2017. As per the allegations made in the complaint, on 25.1.2017 the second respondent along with others visited the house of the petitioner at his request. When the second respondent and others requested the petitioner to donate his land for construction of the temple for Lord Beeranna, the petitioner abused the villagers. It is further alleged that the petitioner insulted the second respondent by abusing in the name of his caste in the presence of others.

4. It is a settled principle of law that mere delay in lodging the complaint with the Police by itself is not a valid ground to quash the criminal proceedings. 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 any offence 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.

5. 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.

6. 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, Kamalapur Police Station, Warangal City, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.12 of 2017 so far as the petitioner/accused is concerned.

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

7. 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: 12.6.2017
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