

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4462 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.43 of 2017 on the file of the Station House Officer, Kothapatnam Police Station, Prakasam District, registered for the offences punishable under Sections 354 and 506 read with 34 I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners, who are employees in a wine shop. He further submitted that the allegations made in the complaint do not constitute any offence much the offences alleged to have been committed by the petitioners.

3. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to 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 and 2 and the second respondent is the *de facto* complainant in Crime No.43 of 2017.

5. As per the allegations made in the complaint, on 03.05.2017 the second respondent along with others went to the wine shop and requested them to close the same. It is further alleged that

the petitioners pushed the second respondent with an intention to outrage her modesty. It is also alleged that the petitioners abused and insulted the second respondent in the name of her caste. The alleged incident took place on 03.05.2017, whereas the complaint was lodged on 06.05.2017. Mere delay in lodging the complaint that itself is not a legally 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 petitioners have 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 Gurajat**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

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Kothapatnam Police Station, Prakasam District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.43 of 2017 so far as the petitioners/A.1 and A.2 are 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.

Date: 16.06.2017
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T.SUNIL CHOWDARY, J



⁵ (2014) 8 SCC 273