

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.16495 of 2014

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/Accused in Crime No.878 of 2014 of Jubilee Hills Police Station, Hyderabad District, registered for the offence under Sections 448, 342, 323 and 384 read with 34 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, on 22.09.2014 the petitioner along with some other is trespassed into the house of the second respondent and beat her. The petitioner is none other than the husband of the second respondent. Whether the second respondent filed number of criminal cases against the petitioner or not will come to light during the course of investigation.

While deciding the petition 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 to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the 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.

Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar and another**^[3], the Station House Officer, Jubilee Hills Police Station, Hyderabad District, is hereby directed to follow the procedure contemplated under Section 41-A Cr.P.C. in Crime No.878 of 2014, so far as the petitioner/Accused No.1 is concerned.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J
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31.12.2014
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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250

