

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8014 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A1 and A2 in Crime No.107 of 2015 of Peddapadu Police Station, West Godavari District registered for the offences punishable under Sections 354, 324 and 506 read with 34 IPC.

2. The learned counsel for the petitioners submitted that basing on the complaint lodged by the second petitioner herein the Police registered a case in Crime No.106 of 2015 under Sections 323, 324, 509 and 506 read with 34 IPC against the second respondent herein and others. He further submitted that the second respondent foisted a false case with an ulterior motive to harass the petitioners. The learned Public Prosecutor representing the State submitted that this is not the stage to go into the merits of the main case.

3. The petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.107 of 2015. A perusal of the record reveals that the second respondent and others are accused in Crime No.106 of 2015 registered for the offences under Sections 323, 324, 509 and 506 read with 34 IPC. As per the allegations made in the complaint, the petitioners made an attempt to outrage the modesty of the second respondent. It is further alleged that the petitioners threatened the second respondent with dire consequences. Whether the second respondent foisted false case or not will come to light during the course of investigation.

4. It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent power under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offences alleged to have been committed by the petitioners, then this court can quash the proceedings in

order to prevent abuse of process of court thereby to secure the ends of justice.

5. I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record 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 Punjab, State of Haryana v Bhajan Lal, V.Y.Jose v State of Gurajat and Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners/A1 and A2 during the pendency of the investigation. In view of the orders of this court dated 15.9.2015, the Station House Officer, Peddapadu Police Station, West Godavari District, is hereby directed not to arrest the petitioners/A1 and A2 in connection with Crime No.107 of 2015 till completion of the investigation.

8. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

November 23, 2015.

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