

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3440 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.2 to A.4 in Cr.No.49 of 2015 on the file of Dharoor Police Station, Mahabubnagar District, registered for the offences punishable under Sections 449, 115 and 506 r/w 34 of IPC.

2 Heard the learned counsel for the petitioners and the learned Public Prosecutor.

3 A perusal of the record reveals that petitioners are A.2 to A.4 and the second respondent is the de-facto complainant. As per the allegations made in the complaint, on 05.04.2015, the petitioners herein entered into the house of the second respondent with deadly weapons and threatened him with dire consequences. The contention of the learned counsel for the petitioners is that on 01.04.2015, the petitioners herein lodged a complaint to the District Collector, Mahabubnagar, intimating the illegal mining activities of the second respondent herein and hence the second respondent foisted a false case against the petitioners.

4 While deciding the petition filed 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 the enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is, prima facie, sufficient to investigate into the matter against the petitioners.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down in ***R.P.Kapoor v. State of Punjab*** and ***State of Haryana v. Bhajan Lal***, I am of the view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, Dharoor Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 In view of the ratio laid down by the apex Court in ***Arnesh Kumar v State of Bihar***, the Station House Officer, Dharoor Police Station is hereby directed to follow the

procedure contemplated under Section 41 A of Cr.P.C. in Cr.No.49 of 2015. so far as the petitioners who are accused Nos.2 to 4 are concerned.

8 Accordingly, this criminal petition is dismissed. As a sequel, the miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 24.04.2015

Kvsn