

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8802 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.5, A7, A9 and A10 in Crime No.96 of 2015 of Basanthnagar Police Station, Karimnagar District registered for the offence under Sections 452, 448, 323, 342, 506 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State. Sri P.Nageshwara Rao, learned counsel for the 2nd respondent submitted that he has given up vakalat.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 5, 7, 9 and 10 and the second respondent is the *de facto* complainant in Crime No.96 of 2015.

4. As per the allegations made in the complaint, on 12.07.2015, the petitioners herein formed into an unlawful assembly with deadly weapons and caused grievous hurt to the 2nd respondent and threatened her with dire consequences.

5. Whether the petitioners have committed the alleged offence or not will come into light during the course of investigation. 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. 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.

6. 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** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioners submitted that the concerned Station

House Officer may be directed not to arrest the petitioners till completion of the investigation.

8. This Court on 08.09.2015 granted interim order not to arrest the petitioner.

9. Having regard to the facts and circumstances of the case and also order of this Court dated 08.09.2015, the Station House Officer, Basanthnagar Police Station, Karimnagar District, is hereby directed not to arrest the petitioners, who are A.1 to A.5, A7, A9 and A10 in Crime No.96 of 2015, till completion of investigation.

9. With the above direction, the Criminal Petition is dismissed.

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

T.SUNIL CHOWDARY, J

Date: 26.11.2015

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