

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.2525 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/A.1 to A.4 in Cr.No.3 of 2015 on the file of Jubilee Hills Police Station, Hyderabad registered for the offence punishable under Sections 506 and 509 IPC.

2 Heard Ms.T.V.Sridevi, learned counsel for the petitioners and the learned Public Prosecutor.

3 A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the first respondent is the de-facto complainant in Crime No.3 of 2015. The first respondent is the own brother of the first petitioner. It seems that the first respondent is an accused in Cr.No.1031 of 2014 for the offences punishable under Sections 354, 506 and 503 IPC on the file of Jubilee Hills Police Station, Hyderabad. A perusal of the record reveals that there are some disputes between the first petitioner and the first respondent. As per the allegations made in the complaint, the petitioner herein threatened the first respondent with dire consequences.

4 The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. While disposing of the petition filed under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

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, Jubilee Hills Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 In view of the principle laid down by the Hon'ble apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, Jubilee Hills Police Station is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.3 of 2015 so far as the petitioners/A.1 to A.4 are concerned.

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

T. SUNIL CHOWDARY, J.

Date: 02.04.2015.

Kvsn