

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13058 of 2015

ORDER:

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_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A5 in Crime No.322 of 2015 of New Bowenpally Police Station, Hyderabad District, registered for the offences punishable under Sections 354, 341, 506 read with Section 34 IPC.

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

3. A perusal of the record reveals that the petitioners are A1 to A5 and the second respondent is the *de facto* complainant in Crime No.322 of 2015. As per the allegations made in the complaint, on 01.09.2015 at about 8.15 PM., when the second respondent and her sister were going towards a playground to bring milk, all the accused pushed both of them and attempted to commit outrage the modesty of the second respondent by wrongfully restraining her. It is further alleged that the petitioners herein have threatened the second respondent with dire consequences. A perusal of the record further reveals that the second respondent married the first petitioner/A1 on 26.05.2014. Thereafter, she filed FCOP No.528 of 2014 on the file of the Judge, Family Court, Secunderabad, seeking dissolution of marriage.

4. It is needless to say that the Court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction 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 offence 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. Whether the petitioners have made an attempt to outrage the modesty of second respondent or not will come to light during the course of investigation.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in ***R.P.KAPOOR v. STATE OF PUNJAB***^[1], ***STATE OF HARYANA v. BHAJAN LAL***^[2], ***V.Y.JOSE V STATE OF GURAJAT***^[3] ***AND TEEJA DEVI v. STATE OF RAJASTHAN***^[4], 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 till completion of the investigation.

8. Having regard to the facts and circumstances of the case and also in view of the principle enunciated by the Supreme Court in ***ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER***^[5], the Station House Officer, Bowenpally Police Station, Hyberabad District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.322 of 2015, so far as the petitioners/A1 to A5 are concerned.

9. 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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8th December, 2015
sj

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)

^[5] 2014 (8) SCALE 250