

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5362 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A1 and A2 in Crime No.47 of 2015 on the file of the Station House Officer, Parkal Police Station, Warangal District registered for the offences punishable under Sections 290, 323, 419, 420, 504 and 506 read with 34 IPC.

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

3. A perusal of the record reveals that the petitioners are A1 and A2 and the first respondent is *de facto* complainant in Crime No.47 of 2015. As per the allegations made in the complaint, the petitioner No.1/A1 promised to vacate the house bearing No.3-965 situated in Parkal. It is further alleged that the petitioners abused the first respondent in filthy language and beat her. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. A perusal of the record reveals that this court granted interim stay of arrest of petitioners on 24.06.2015. Having regard to the facts and circumstances of the case and also in view of the order of this court dated 24.06.2015, the Station House Officer, Parkal Police Station is hereby directed not to arrest the petitioners/A1 and A2 till completion of the investigation in Crime No.47 of 2015.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 11, 2015.

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)