

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.2531 of 2015**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.59 of 2015 of Toopran Police Station, Medak District registered for the offences under Sections 354D and 509 I.P.C.

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

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.59 of 2015.

4. As per the allegations made in the complaint, on 09.01.2015, the petitioner abused the second respondent through phone in filthy language. It is further alleged that the petitioner threatened the second respondent with dire consequences.

5. Learned counsel for the petitioner submitted that the petitioner and the second respondent have entered into a compromise on 14.01.2015.

6. The complaint was lodged by the second respondent on 09.03.2015. This is not the stage to decide the genuineness or otherwise of the alleged compromise, dated 14.01.2015. While deciding the petition 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.

7. 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.

8. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Toopran Police Station, Medak District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.59 of 2015 so far as the petitioner/accused is concerned.

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

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

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**T.SUNIL CHOWDARY, J**

Date: 09.04.2015

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