

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13341 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused in Crime No.398 of 2015 on the file of the Station House Officer, Chandrayanagutta Police Station, Hyderabad registered for the offence punishable under Section 324 IPC.

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

3. A perusal of the record reveals that the petitioner is sole accused and the first respondent is *de facto* complainant in Crime No.398 of 2015. As per the allegations made in the complaint, the petitioner gave divorce to the second respondent on 15.5.2013. The petitioner filed W.P. No.39446 of 2015 seeking direction to the Police to register criminal case against the first respondent and others. As per the allegations made in the complaint, on 26.11.2015 the petitioner pushed the first respondent from a motor bike due to which she sustained injuries on various parts of the body. The learned Public Prosecutor submitted that criminal cases are pending between the parties.

4. 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.

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 petitioner submitted that the
concerned Station House Officer may be directed not to arrest the
petitioner. Having regard to the facts and circumstances of the case,
the Station House Officer, Chandrayanagutta Police Station, is hereby
directed not to arrest the petitioner/accused in Crime No.398 of 2015
till completion of the investigation.

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 15, 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)