

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6047 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner in Cr.No.128 of 2015 on the file of Toopran Police Station, Medak District, registered for the offences punishable under Sections 447, 429, 269 and 270 of IPC.

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

3 A perusal of the record reveals that the petitioner is the sole accused and the 2nd respondent is the de-facto complainant in Cr.No.128 of 2015. As per the allegations made in the complaint, on 23.05.2015 the petitioner trespassed into the land of one Varganti Swamy in Sy.No.146 of Lingareddypet village and dumped animal bones. It is further alleged that the petitioner is killing animals and drying those dead bodies in the land of said Swamy.

4 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. 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 Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of 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, State of Haryana v. Bhajan Lal, V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer,

Toopran Police Station may be directed not to arrest the petitioner pending investigation in the crime.

7 On 09.07.2015 this Court granted interim stay of arrest of the petitioner in Cr.No.128 of 2015 on the file of Toopran Police Station and the same has been in force till today. Having regard to the facts and circumstances of the case and in view of the interim orders passed by this Court on 09.07.2015, the Station House Officer, Toopran Police Station, is hereby directed not to arrest the petitioner in Cr.No.128 of 2015 till completion of investigation.

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: 3rd December, 2015

Kvsn