

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3492 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/A.1 to A.10 in Cr.No.33 of 2015 on the file of Jaladanki police station, SPSR Nellore District, registered for the offences punishable under Sections 143, 147, 148, 452, 324, 323, 355, 506 and 149 of IPC.

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

3 A perusal of the record reveals that petitioners are A.1 to A.10 and the second respondent is the de-facto complainant. As per the allegations made in the complaint, on 31.03.2015, the petitioners herein entered into the house of the second respondent and bet her. It is further alleged that the petitioners herein threatened the second respondent with dire consequences.

4 A perusal of the record reveals that the 4th petitioner herein lodged a complaint to the Station House Officer, Jaladanki police station against the second respondent and others, who in turn registered a case in Cr.No.32 of 2015 under Sections 143, 447, 506 and 149 IPC. The petitioners herein who are accused in Cr.No.33 of 2015 and the accused in Cr.No.32 of 2015 are interrelated with each other.

5 At the time of arguments, the learned counsel for the petitioners submitted that petitioner Nos.1, 2, 6 and 10 have obtained regular bail.

6 While deciding the petition filed 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 the enquiry to ascertain the truthfulness or otherwise 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 against the petitioners.

7 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*** and ***State of Haryana v. Bhajan Lal***, I am of the view that this is not a fit case to quash the proceedings at this stage.

8 The learned counsel for the petitioners submitted that the Station House Officer,

Jaladanki Police Station may be directed not to arrest the petitioners pending investigation in the crime.

9 In view of the ratio laid down by the apex Court in ***Arnesh Kumar v State of Bihar***, the Station House Officer, Jaladanki Police Station is hereby directed to follow the procedure contemplated under Section 41 A of Cr.P.C. in Cr.No.33 of 2015 so far as the petitioners who are accused Nos.3, 4, 5, 7, 8 and 9 respectively, are concerned.

10 Accordingly, this criminal petition is dismissed. As a sequel, the miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 27.04.2015

Kvsn