

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13444 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A1 to A3 in Crime No.251 of 2015 on the file of the Station House Officer, Samalkot Police Station, East Godavari District registered for the offences punishable under Sections 147, 427, 447 and 506 read with 34 IPC.

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

3. A perusal of the record reveals that the petitioners are A1 to A3 and the second respondent is *de facto* complainant in Crime No.251 of 2015. As per the allegations made in the complaint, on 25.9.2015 the petitioners herein formed into an unlawful assembly with a common object and trespassed into the premises of CBM Centenary High School, Samalkot. It is further alleged that the petitioners threatened the second respondent, who is the Head Master of CBM Centenary High School, with dire consequences. The contention of learned counsel for petitioners is that the petitioners herein are the Managing Committee of CBCNC. It is further contended that the property in dispute belongs to CBCNC. Whether the property belongs to CBCNC or CBM Centenary High School will come to light during the course of investigation.

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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Samalkot Police Station is hereby directed not to arrest the petitioners/A1 to A3 till completion of the investigation in Crime No.251 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 16, 2015.
YS

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)