

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8676 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/Accused Nos.1 and 2 in Crime No.243 of 2015 of Mills Colony Police Station, Warangal, Warangal District, registered for the offence under Sections 324 and 506 read with 34 IPC.

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

A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant.

As per the allegations made in the complaint, on 29.06.2015 the petitioners herein trespassed into the house of the second respondent and beat her husband indiscriminately.

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 to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the 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.

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 view that it is not a fit case to quash the proceedings at this point of time.

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

In view of the principle enunciated by the Supreme Court in **Arnesh**

Kumar v. State of Bihar and another, the Station House Officer, Mills Colony Police Station, Warangal, Warangal District, is hereby directed to follow the procedure contemplated under Section 41-A Cr.P.C. in Crime No.243 of 2015, so far as the petitioners/Accused Nos.1 and 2 are concerned.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

08.10.2015

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