

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2733 of 2015

ORDER:-

This Criminal Petition is filed by the petitioner – A.5, under Section 482 of Cr.P.C., to quash the proceedings in Crime No.26 of 2013 of Machavaram Police Station, Vijayawada for the offences punishable under Sections 498-A, 420 and 506 r/w 34 I.P.C and 7 and 25 of the Arms Act.

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

Learned counsel for the petitioner submits that petitioner-A.5 neither is the relative of A.1 nor de facto complainant and he being only the mediator for the disputes between A.1 and the de facto complainant was implicated along with the other accused. He further submits that he is innocent and has not committed any offence and, therefore, continuation of proceedings against the petitioner is nothing but an abuse of process of law.

Learned Public Prosecutor submits that investigation is still at the prima stage, and the petitioner is not entitled for quashing of Crime No.26 of 2013.

A perusal of the compliant would reveal that the marriage of A.1 with the de facto complainant took place on 08.11.2009 and, as disputes arose, mediation was held and that the petitioner is alleged to have committed the offences under Section 506 IPC and Sections 7 and 25 of the Arms Act.

Whether the petitioner has committed the offences or not involves complexity of disputed questions of fact, which cannot be gone into while exercising the inherent jurisdiction under Section 482 of Cr.P.C. While deciding this type of petitions 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. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the

matter in order to ascertain 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

Hon'ble 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 the threshold.

Learned counsel for the petitioner submitted that the Station House Officer, Machavaram Police Station, Vijayawada may be directed not to arrest the petitioner/accused No.5 till completion of investigation.

In view of the facts and circumstances of the case, the Station House Officer, Machavaram Police Station is hereby directed not to arrest the petitioner/accused No.5 in Crime No.26 of 2013 till completion of investigation or filing of final report.

With the above directions, the Criminal Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

Date: 10.04.2015

usd