

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12027 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner in Cr.No.109 of 2014 on the file of Karapa Police Station, East Godavari District, registered for the offences punishable under Section 354 IPC.

2 Heard the learned counsel for the petitioner, the learned counsel for the 2nd respondent 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.109 of 2014 on the file of Karapa Police Station, East Godavari District. As per the allegations made in the complaint, on 12.12.2013 the petitioner made an attempt to outrage the modesty of the 2nd respondent, who has been working as an outsourcing employee.

4 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.

5 Whether or not the petitioner has committed the alleged offence will come to light during the course of investigation only. 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, Karapa Police Station may be directed not to arrest the petitioner pending investigation in the crime.

7 On 23.09.2014 this Court granted interim stay of investigation in Cr.No.109 of 2014 on the file of Karapa Police Station, East Godavari District 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 order granted by this Court on 23.09.2014, the Station House Officer, Karapa Police Station, East Godavari District is hereby directed not to arrest the petitioner in Cr.No.109 of 2014 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: 9th December, 2015

Kvsn