

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10334 of 2015

ORDER:

_____ This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A1 to A3 in Crime No.678 of 2015 of Malkajgiri Police Station, registered for the offences under Sections 406, 420, 506 and 120B IPC.

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

3. _____ The petitioners are A1 to A3 and second respondent is *de facto* complainant in Crime No.678 of 2015. The petitioner No.1 is the wife, petitioner No.2 is mother-in-law and petitioner No.3 is brother-in-law of the second respondent. A perusal of the record reveals that the second respondent filed O.P. No.738 of 2012 on the file of Family Court, Ranga Reddy District at L.B. Nagar for dissolution of marriage between him and the first petitioner. The first petitioner filed M.C. No.125 of 2014 seeking maintenance from the second respondent. It is further alleged that the petitioners have not complied with the terms and conditions of Memorandum of Understanding entered between them on 19.12.2010. It is also alleged that the petitioners herein have threatened the second respondent with dire consequences.

4. While exercising inherent jurisdiction 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 ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. Suffice it to say that the court shall not lightly interfere with the investigation more particularly at the initial stage. A perusal of the record 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 during the pendency of the investigation. Taking into consideration the nature of the allegations made in the complaint and also the principle enunciated in **Arnesh Kumar v State of Bihar**^[5], the Station House Officer, Malkajgiri Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.678 of 2015 so far as the petitioners/A1 to A3 are concerned.

7. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

November 02, 2015.

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)

[\[5\]](#) (2014) 8 SCS 273