

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.828 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner/accused No.2 in Cr.No.16 of 2015 on the file of Alwal Police Station, Cyberabad registered for the offences punishable under Sections 452, 387, 406, 419, 420, 467, 468, 506 (II) of IPC and Section 3 (1) (x) of the S.C & S.T. (PoA) Act.

2 Heard the learned counsel for the petitioner, 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 accused No.2 and the 2nd respondent is the de-facto complainant in Cr.No.16 of 2015 of Alwal Police Station. As per the allegations made in the complaint, the petitioner herein along with the accused No.1 in the case created some fake documents with an intention to deceive the second respondent. It is further alleged that the petitioner and the accused No.1 insulted the second respondent in the name of his caste and threatened him with dire consequences.

4 Whether the petitioner has created fake documents and insulted the second respondent in the name of his caste or not 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,

Alwal Police Station may be directed not to arrest the petitioner/Accused No.2 pending investigation in the crime.

7 On 19.02.2015 this Court granted interim stay of all further proceedings, including arrest of the petitioner/A.2 in Cr.No.16 of 2015 on the file of Alwal Police Station. Having regard to the facts and circumstances of the case and also in view of the orders passed by this Court on 19.02.2015, the Station House Officer, Alwal Police Station, is hereby directed not to arrest the petitioner who is accused No.2 in Cr.No.16 of 2015 till completion of investigation.

9 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: 27th November, 2015

Kvsn