

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5889 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 to A.7 in Cr.No.46 of 2014 on the file of N.P.Kunta Police Station, Anantapur District, registered for the offences punishable under Sections 147, 148, 448, 354 and 149 of IPC.

2 Heard the learned counsel for the petitioners, learned counsel for the first respondent and the learned Additional Public Prosecutor representing the State.

3 A perusal of the record reveals that the petitioners are A.1 to A.7 and the first respondent is the de-facto complainant in Cr.No.46 of 2014. As per the allegations made in the complaint, on 23.05.2015 the petitioners formed themselves into an unlawful assembly and trespassed into the house of the first respondent. It is further alleged that the 5th petitioner / A.5 attempted to outrage the modesty of the first respondent.

4 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. The contention of the learned counsel for the petitioners 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. 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 petitioners submitted that the Station House Officer,

N.P. Kunta Police Station may be directed not to arrest the petitioners pending investigation in the crime.

7 On 03.06.2014 this Court granted interim stay of all further proceedings in Cr.No.46 of 2014 on the file of N.P. Kunta Police Station 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 orders passed by this Court on 03.06.2014, the Station House Officer, N.P. Kunta Police Station, is hereby directed not to arrest the petitioner in Cr.No.128 of 2015 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: 4th December, 2015

Kvsn