

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

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CRIMINAL PETITION No.12366 of 2015

ORDER:

1. This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners whoa are accused Nos.1 and 2 in Crime No.118 of 2015 on the file of the Station House Officer, Markapur Rural Police Station, Prakasam District, registered under Sections 323 r/w 34 I.P.C.

2. The contention of the learned counsel for the petitioners is two fold – (1) Basing on the complaint lodged by the petitioners, the police registered a case in Crime No.112 of 2015 against the husband of the second respondent under Section 323, 509 r/w 34 I.P.C; and (2) The second respondent foisted a false case against the petitioners with ulterior motive to harass the petitioners.

3. The learned Public Prosecutor submitted that this is not a stage to go into the merits of the main case.

4. As per the allegations made in the complaint, on 25.10.2015, the petitioners herein hatched up a plan and beat the second respondent. Whether the second respondent foisted a false case against the petitioners herein or not will come to light during the course of investigation.

5. 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.

6. Having regard to the facts and circumstances of the case on hand and also the principle laid down in ***R.P.Kapoor Vs. State of Punjab, State of Haryana Vs. Bhajan Lal, V.Y.Jose Vs. State of Gurajat*** and ***Teeja Devi Vs. State of Rajasthan***, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7. The learned counsel for the petitioners submitted that the Station House Officer, Markapur Rural Police Station, may be directed not to arrest the petitioners pending investigation.

8. Taking into consideration the nature of allegations made in the complaint and in view of the principle laid down by the Hon'ble Apex Court in ***Arnesh Kumar Vs. State of Bihar***, the Station House Officer, Markapur Rural Police Station, is hereby directed to follow the procedure as contemplated under Section 41 A of Cr.P.C., in Cr.No.118 of 2015 so far as the petitioners/A-1 and A-2 are concerned.

9. With the above observation, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

25th November, 2015

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