

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9497 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused No.4 in Crime No.112 of 2015 of Nakkapalli Police Station of Visakhapatnam, registered for the offences punishable under Sections 120B, 341, 352, 379, 426, 447 and 506 read with 34 IPC.

2. Heard the learned counsel for the petitioner, learned counsel for the second respondent and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is accused No.4 and the second respondent is the *de facto* complainant in Crime No.112 of 2015. As per the allegations made in the complaint, the petitioner herein along with others unauthorisedly entered into the land of the second respondent and committed theft of sand and coconuts. The other allegation made against the petitioner is that he along with others have violated the orders passed in I.A.No.815 of 2015 in O.S.No.392 of 2015 on the file of the II Additional District Judge Court, Visakhapatnam.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. In view of the orders passed by this Court on 22.9.2015, the Station House Officer, Nakkapalli Police Station, Visakhapatnam, is hereby directed not to arrest the petitioner/accused No.4 till completion of the investigation.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

November 26, 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)