

THE HON'BLE MRS JUSTICE ANIS
CRIMINAL PETITION No.2711 of 2015

ORDER:-

This Criminal Petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/ Accused in Crime No.100 of 2014 of Cumbum Police Station, Prakasham district for the offence punishable under Section 354 of I.P.C.

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

3. Learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner herein as a counter blast to the case filed by the petitioner herein in Crime No.101 of 2014 against the second respondent herein and others. He further submitted that the petitioner herein is innocent and prayed the Court to quash the proceedings in Crime No.100 of 2014 of Cumbum Police Station.

4. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged. He further submitted that the investigation is not yet completed and prayed the Court to dismissed the petition.

5. The petitioner herein is the sole accused and the second respondent herein is the de-facto complainant in Crime No.100 of 2014. A perusal of the record reveals that on

25-06-2014 at about 1.00 p.m., the petitioner herein went to the house of the second respondent herein and tried to outrage her modesty.

6. Whether the petitioner herein outraged the modesty of the second

respondent or not, involves complexity of disputed questions of fact, which cannot be gone into while exercising the inherent jurisdiction under Section 482 of Cr.P.C. While deciding this type of petitions the Court has to take into consideration the allegations made in the complaint only. The Court is not be justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint. It is settled principle of law that the Court shall not stifle the legitimate investigation more particularly at the initial stage of investigation. The material available on record is *prima facie* sufficient to investigate into the matter in order to ascertain truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principles enunciated by the Hon'ble Supreme Court in **R.P. Kapoor v State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the view that it is not a fit case to quash the proceedings at the threshold.

8. Accordingly, the Criminal Petition is dismissed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE ANIS

April 06, 2015

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