

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12800 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.106 of 2015 of Karlapalem Police Station, Guntur District registered for the offences under Sections 494 and 506 read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent, who is the wife of the petitioner, is the *de facto* complainant in Crime No.106 of 2015.

4. As per the allegations made in the complaint, the petitioner married one Palaparathi Seshamma. It is further alleged that the petitioner threatened the second respondent with dire consequences. The gist of the allegations made in the complaint is that the petitioner married the said Seshamma during the subsistence of a valid marriage with the second respondent.

5. A perusal of the record reveals that the petitioner filed F.C.O.P.No.50 of 2015 on the file of the Judge, Family Court, Ongole, Prakasam District for dissolution of marriage between him and the second respondent. A perusal of the record also reveals that basing on the complaint lodged by the second respondent, the Station House Officer, Karlapalem Police Station registered a case in Crime No.66 of 2015 under Section 498-A I.P.C. against the petitioner and others.

6. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the 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 Supreme Court in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

8. The learned counsel for the petitioner submitted that the petitioner has been working as a Police Constable, therefore, the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. Taking into consideration the nature of employment of the petitioner, this Court is inclined to direct the Station House Officer, Karlapalem Police Station, Guntur District, not to arrest the petitioner/A.1 in Crime No.106 of 2015 till completion of the investigation.

10. With the above direction, the Criminal Petition is dismissed.

11. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.12.2015

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