

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2545 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.47 of 2015 of Mangalagiri Town Police Station, Mangalagiri, Guntur District, registered for the offences under Sections 353, 506 and 509 IPC.

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

A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant.

As per the allegations made in the complaint, on 24.01.2015, the petitioner herein threatened the Mandal Parishad Development Office staff with dire consequences.

While deciding the petition 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 to ascertain the truthfulness or otherwise of the allegations made in the complaint at the initial stage of the 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.

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 view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

In view of the principle enunciated by the Supreme Court in **Arnesh**

Kumar v. State of Bihar and another, the Station House Officer, Mangalagiri Town Police Station, Mangalagiri, Guntur District, is hereby directed to follow the procedure contemplated under Section 41-A Cr.P.C. in Crime No.47 of 2015, so far as the petitioner/Accused is concerned.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:08.04.2015

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