

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3429 of 2015

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/accused in Crime No.29 of 2015 of Narsipatnam Rural Police Station, Visakhapatnam District, registered for the offences under Sections 452, 354(B), 324, 509 and 506 IPC.

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

A perusal of the record reveals that the petitioner is sole accused and second respondent is *de facto* complainant in Crime No.29 of 2015. As per the allegations made in the complaint, on 30.3.2015 at about 03.30 P.M., the petitioner trespassed into the house of the second respondent and beat her. It is further alleged that the petitioner threatened the second respondent with dire consequences.

The court has to take into consideration the allegations made in the complaint only while deciding the petition under Section 482 Cr.P.C. The court is not justified in embarking upon an enquiry to ascertain reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed on record 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 principle enunciated in **R.P.Kapoor v State of Punjab** and **State of Haryana v Bhajan Lal**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

Learned counsel for the petitioner submitted that the concerned Police may be directed not to arrest the petitioner till completion of investigation. In view of the principle enunciated by the Hon'ble Apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, Narsipatnam Rural P.S., is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.29 of 2015 so far as the petitioner/accused is concerned.

With the above direction, the criminal petition is dismissed. Miscellaneous

petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

April 24, 2015.

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