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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.14125 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.99 of 2015 on the file of the Station House Officer, Mothkur Police Station, Nalgonda District, registered for the offence under Section 306 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 is the *de facto* complainant in Crime No.99 of 2015.

4. As per the allegations made in the complaint, the daughter of the second respondent died due to depression and stress. It is further alleged that after the death of his daughter, the second respondent found two SIM Cards in her bag. The second respondent is suspecting that the petitioner is responsible for the death of his daughter. The daughter of the second respondent died on 04.01.2015 and the second respondent lodged the complaint to the police on 01.09.2015.

5. The contention of the learned counsel for the petitioner is that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no case is made out against the petitioner.

6. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation. 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**^[1] and **State of Haryana v. Bhajanlal**^[2], 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 concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

9. Having regard to the peculiar facts and circumstances of the case and keeping in mind the future prospects of the petitioner, who is a third year B-Tech student, this Court is inclined to direct the Station House Officer, Mothkur Police Station, Nalgonda District, not to arrest the petitioner/A.1 in Crime No.99 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.

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T.SUNIL CHOWDARY, J

Date: 31.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604