

**THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY**

**CRIMINAL PETITION No.8525 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.261 of 2015 of I Town Police Station, Vizianagaram, registered for the offences under Sections 403, 406 and 408 IPC.

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

3. The petitioner is the sole accused and the second respondent is the *defacto* complainant in Crime No.261 of 2015. The case of the prosecution is that the petitioner herein forcibly occupied the premises of Venkata Ramana Gas Agencies, Vizianagaram. While deciding the petitions under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court shall not embark upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint at the earliest stage of the investigation. If this Court expresses any opinion touching the merits of main case, the same may cause prejudice to one of the parties to the proceedings.

4. 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. Bhajanlal***, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

5. 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, I Town Police Station, Vizianagaram, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C., in Crime No.261 of 2015 so far as the petitioner/accused is concerned.

6. With the above direction, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

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**T.SUNIL CHOWDARY, J.**

**Date: 29.09.2015.**

***GvI***