

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6622 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.163 of 2015 of Yellundhu Police Station, Khammam District, registered for the offences under Sections 420, 406, 294(b) and 506 I.P.C., and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 the sole accused and the second respondent is the *de facto* complainant in Crime No.163 of 2015.

4. As per the allegations made in the complaint, on 28.11.2014, the petitioner herein insulted the second respondent in the name of her caste. It is further alleged that the petitioner cheated the second respondent and threatened her with dire consequences.

5. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. 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.

6. 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.

7. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioner on 27.07.2015 and the same has been in force till date.

8. Taking into consideration the facts and circumstances of the case and also the earlier orders of this Court dated 27.07.2015, the Station House Officer, Yellundhu Police Station, Khammam District, is hereby directed not to arrest the petitioner/accused in Crime No.163 of 2015 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 01.12.2015

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