

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.P.No.3547 of 2015

ORDER

The instant petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), requesting to quash the proceedings in FIR No.153 of 2015 of Arundalpet Police Station, Guntur Urban, Andhra Pradesh, for the offences punishable under Sections 448, 506 and 509 IPC read with Section 34 IPC, against the petitioner-A1 herein.

2. The averments in the complaint and the First Information Report would reveal that on 02.04.2015 at about 11.00 PM., when the *de facto* complainant and her family were sleeping in their house, the petitioner along with some others knocked the door raising abusive language at her husband and threatened that they would kill her husband uttering that how dare to demand them to pay the due amount and her husband has to receive the amount only if they paid and even, abused her in filthy language, which was witnessed by a Watchman of the house under construction opposite their house and also others. On her complaint, Guntur Urban Police, Arundalpet Police Station, registered the above crime.

3. Heard both sides and perused the material on record.

4. Learned counsel for the petitioner submits that in fact, the due amount has already been discharged by way of settlement before the Lok Adalat in Lok Adalat Case No.1657 of 2014 vide award

dated 25.06.2014. Learned counsel has also filed the copy of the award as well as compromise petition, in which the name of the petitioner is shown as defendant and the name of the husband of the complainant is shown as plaintiff. Learned counsel further submits that the suit was laid for recovery of a sum of Rs.23,09,332/- and before the Lok Adalat, it was settled for a sum of Rs.17,00,000/- towards full and final settlement of the suit claim and the same was recorded and passed the award under Section 21 of Legal Services Authority Act, 1987 by the Lok Adalat. Learned counsel also submits that in the absence of any relevant details in the complaint, the FIR is an abuse of process of law and, therefore, he seeks to quash the proceedings.

5. Learned Public Prosecutor opposed the request of the petitioner.

6. Perused the material on record. At this stage, it is not clear from the FIR that the amount covered by the award

dated 25.06.2014, passed by the Lok Adalat, relates to the transaction referred to in the complaint or whether there are any other transactions between the parties. It can only be gone into by the investigating agency. As seen from the FIR, the offences punishable under Sections 448, 506 and 509 IPC are levelled against the petitioner-A1 and other accused. As per the Schedule to the Code, all the three offences are shown as bailable offences, whereas as per G.O.Ms.No.732 dated 05.12.1991, the offence under Section 506 IPC is shown as non-bailable. Irrespective of the same, keeping in view, the Lok Adalat award referred to above, the investigating agency is directed not to arrest the petitioner-A1 till completion of investigation. However, the petitioner is directed to cooperate with the investigating agency for completion of investigation.

7. Accordingly, the Criminal Petition is disposed of.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

A. SHANKAR NARAYANA, J

27th April, 2015

sj