

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9385 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.1 and 2 in Cr.No.577 of 2015 on the file of Miyapur Police Station, registered for the offences punishable under Sections 341, 323 and 506 of IPC.

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

3 A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the 2nd respondent is the de-facto complainant in Cr.No.577 of 2015. As per the allegations made in the complaint, on 24.08.2015 the petitioners bet the 2nd respondent and wrongfully confined her. It is further alleged that the petitioners threatened the 2nd respondent with dire consequences.

4 The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

5 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

6 Having regard to the facts and circumstances of the case on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer,

Miyapur Police Station may be directed not to arrest the petitioners/Accused Nos.1 and 2 pending investigation in the crime.

8 On 12.10.2015 this Court granted interim stay of arrest of the petitioners/A.1 and 2 in Cr.No.577 of 2015 on the file of Miyapur Police Station. Having regard to the facts and circumstances of the case and also in view of the orders passed by this Court on 12.10.2015, the Station House Officer, Miyapur Police Station, is hereby directed not to arrest the petitioners who are accused Nos.1 and 2 in Cr.No.577 of 2015 till completion of investigation.

9 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26th November, 2015

Kvsn