

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7165 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.239 of 2015 of Gandhinagar Police Station, Hyderabad City registered for the offences under Sections 341, 504 and 506 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.239 of 2015.

4. As per the allegations made in the complaint, on 06.07.2015, the petitioners have obstructed the second respondent and his men to make constructions in their site. It is further alleged that the petitioners have threatened the second respondent with dire consequences.

5. Whether the petitioners have obstructed the second respondent in making constructions 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. This Court granted interim stay of all further proceedings including the arrest of the petitioners on 29.07.2015 and the same has been in force.

8. Taking into consideration the allegations made in the complaint and also the orders of this Court dated 29.07.2015, the Station House Officer, Gandhinagar Police Station, Hyderabad City, is hereby directed not to arrest the petitioners/A.1 and A.2 in Crime No.239 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: 24.11.2015

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