

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10175 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner/accused No.1 in Cr.No.422 of 2015 on the file of Saifabad Police Station, Hyderabad, registered for the offences punishable under Sections 448, 506 and 509 r/w 34 of IPC and Section 354-D Criminal Law Amendment Act, 2013.

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 petitioner is accused No.1 and the 2nd respondent is the de-facto complainant in Cr.No.422 of 2015. As per the allegations made in the complaint, the petitioner along with the other accused in the case harassed the 2nd respondent. It is further alleged that the petitioner and the other accused threatened the 2nd respondent with dire consequences.

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

5 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.

6 The learned counsel for the petitioner submitted that the Station House Officer, Saifabad Police Station may be directed not to arrest the petitioner pending

investigation in the crime.

7 On 07.10.2015 this Court granted interim stay of arrest of the petitioners in Cr.No.422 of 2015 on the file of Saifabad Police Station and the same has been in force till today. In that view of the matter, the Station House Officer, Saifabad Police Station, Hyderabad is hereby directed not to arrest the petitioner who is accused No.1 in Cr.No.422 of 2015 till completion of investigation in the said crime.

8 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: 24th November, 2015

Kvsn