

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13785 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.3 in Crime No.175 of 2015 on the file of the Station House Officer, Chinthapally Police Station, Nalgonda District, registered for the offences under Sections 353 and 195(A) read with 109 I.P.C.

2. The contention of the learned counsel for the petitioner is two fold: (1) The petitioner is not in India as on 20.10.2015, (2) Even if the allegations made in the complaint are *ex facie* taken to be true and correct, no case is made out against the petitioner.

3. The learned Public Prosecutor submitted that this is not the stage to go into the merits of the case.

4. A perusal of the record reveals that the petitioner is accused No.3 and the second respondent is the *de facto* complainant in Crime No.175 of 2015.

5. As per the allegations made in the complaint, on 20.10.2015, the other accused made an attempt to obtain the signatures of the witnesses on stamp papers at the instance of the petitioner herein.

6. If this Court expresses any opinion with regard to the presence of the petitioner, the same may cause prejudice to one of the parties to the proceedings. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

7. 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.

8. 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**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

9. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Chinthapally Police Station, Nalgonda District, not to arrest the petitioner/A.3 in Crime No.175 of 2015 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 29.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604