

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12434 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.98 of 2015 of Gurazala Town Police Station, Guntur District registered for the offences under Sections 447, 427 and 506 I.P.C.

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

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.98 of 2015.

4. As per the allegations made in the complaint, on 10.06.2015, the petitioner herein trespassed into the land of the second respondent and damaged the land. It is further alleged that the petitioner threatened the second respondent with dire consequences.

5. A perusal of the record reveals that basing on the complaint given by the wife of the second respondent, police registered a case in Crime No.129 of 2015 against this petitioner for the offences punishable under Sections 354, 447, 323 and 506 I.P.C. After completion of the investigation, the police filed charge sheet against the petitioner for the offences under Sections referred above. A perusal of the record further reveals that basing on the complaint lodged by the wife of the petitioner herein, the Station House Officer, Gurazala Police Station registered a case in Crime No.130 of 2015 against the second respondent, his wife and two others for the offences punishable under Sections 323, 506 and 509 I.P.C. A perusal of the record also reveals that civil disputes are pending between the parties. Learned counsel for the petitioner submitted that the second respondent and his wife with an ulterior motive foisted false cases against the petitioner.

6. Whether the second respondent lodged a false complaint or not will come to light during the course of investigation. 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.

7. 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.

8. 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.

9. Taking into consideration the facts and circumstances of the case, the Station House Officer, Gurazala Town Police Station, Guntur District, is hereby directed not to arrest the petitioner/ accused in Crime No.98 of 2015 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 26.11.2015

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