

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1288 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1 to 7 in Cr.No.13 of 2016 on the file of Muddanur Police Station, YSR Kadapa District registered for the offences punishable under Sections 427 r/w 34 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984.

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

3 The petitioners are accused Nos.1 to 7 and the 2nd respondent is the de-facto complainant in Cr.No.13 of 2016. As per the allegations made in the complaint, on 24.01.2016 the petitioners herein damaged the drinking water pipeline and diverted it to his fields and thereby caused lot of inconvenience to the villagers.

4 The contention of the learned counsel for the petitioners is that the pipeline belongs to the petitioners only. He further submitted 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. A perusal of the record reveals that there is a dispute between two groups in the village with regard to the bore well.

6 If this court expresses any opinion touching the merits of the main case, the same may cause prejudice to any one of the

parties to the proceedings. 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.

7 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**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose v State of Gurajat**^[3] and **Teeja Devi v State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the proceedings at this stage.

8 The learned counsel for the petitioners submitted that the Station House Officer, Muddanur Police Station, may be directed not to arrest the petitioners pending investigation in the crime.

9 Taking into consideration the nature of allegations made in the complaint and having regard to the facts and circumstances of the case, the Station House Officer, Muddanur Police Station, YSR Kadapa District is hereby directed not to arrest the petitioners who are accused Nos.1 to 7 in Cr.No.13 of 2016 on his file, till completion of investigation.

10 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: 5th February, 2016
Kvsn

[\[1\]](#) AIR 1960 SC 866
[\[2\]](#) AIR 1992 SC 604
[\[3\]](#) (2009) 3 SCC 78
[\[4\]](#) 2015 (1) ACR 564 (SC)