

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1431 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.2 in Cr.No.110 of 2015 on the file of Arvapally Police Station, Nalgonda District, registered for the offences punishable under Sections 448 and 506 of IPC and Section 3 (1) (x) of S.C & S.T (PoA) Act, 1989.

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

3 The petitioner is accused No.2 and the second respondent is the de-facto complainant in Cr.No.110 of 2015 on the file of Arvapally Police Station. As per the allegations made in the complaint, on 24.01.2015 the petitioner along with others trespassed into the house of the 2nd respondent and threatened him with dire consequences. It is further alleged that the petitioner and others insulted the 2nd respondent in the name of his caste.

4 The contention of the learned counsel for the petitioner is that the 2nd respondent has foisted a false case against the petitioner on coming to know that the police have registered a criminal case against him and others in Cr.No.109 of 2015 for the offences punishable under Sections 147, 148, 452 and 307 of IPC.

5 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. 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. If this Court expresses any opinion, touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

6 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.

7 The learned counsel for the petitioner submitted that the Station House Officer, Arvapally Police Station may be directed not to arrest the petitioner pending investigation in the crime.

8 Having regard to the facts and circumstances of the case, the Station House Officer, Arvapally Police Station, is hereby directed not to arrest the petitioner who is accused No.2 in Cr.No.110 of 2015 till completion of investigation.

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: 8th January, 2016

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)