

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.163 OF 2016

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.1 in Cr.No.1310 of 2015 on the file of Banjara Hills Police Station, Hyderabad registered for the offences punishable under Sections 448, 323 and 506 r/w 34 of IPC.

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

3 The petitioner is accused No.1 and the second respondent is the de-facto complainant in Cr.No.1310 of 2015. As per the allegations made in the complaint, on 06.12.2015, the second respondent's family members went to their another house bearing D.No.8-2-684/1/2 Road No.12, Banjara Hills, Hyderabad to spend some time with cousins. It is further alleged that the petitioner trespassed into the house and beat the children of the second respondent.

4 The contention of the learned counsel for the petitioners is 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. 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.

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 petitioners submitted that the Station House Officer, Banjara Hills Police Station, Hyderabad, may be directed not to arrest the petitioners pending investigation in the crime.

8 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, Banjara Hills Police Station, Hyderabad is hereby directed not to arrest the petitioner who is accused No.1 in Cr.No.1310 of 2015 on his file.

9 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: 6th January, 2016
Kvsn

^[1] AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

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

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