

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1673 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.29 of 2010 on the file of the Station House Officer, Yemmiganur Town Police Station, Kurnool District, registered for the offences under Sections 448 and 376 read with 511 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.29 of 2010.

4. As per the allegations made in the complaint, on 12.02.2010 at about 11:00 AM, the petitioner entered into the house of the second respondent and made an attempt to outrage her modesty.

5. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case against the petitioner in view of land disputes between them.

6. Whether the petitioner has committed the alleged offences 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 principle enunciated 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 criminal proceedings at the threshold.

8. A perusal of the record reveals that this Court granted interim stay on 25.02.2010.

9. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 25.02.2010, the Station House Officer, Yemmiganur Town Police Station, Kurnool District, is hereby directed not to arrest the petitioner/accused in Crime No.29 of 2010 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.

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T.SUNIL CHOWDARY, J

Date: 22.02.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)