

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2613 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A-2 in Crime No.104 of 2015 on the file of Bhimavaram I Town Police Station, West Godavari District, Andhra Pradesh registered for the offences under Sections 494 and 506 (2) read with 34 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 A-2 and the second respondent is the *de facto* complainant in Crime No.104 of 2015. A-1 is none other than the husband of the second respondent. As per the allegations made in the complaint, A-1 married A-2 during the subsistence of his valid marriage with the second respondent. It is further alleged that A-1 threatened the second respondent with dire consequences.

4. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 and also the principles 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Bhimavaram I Town Police Station, West Godavari District is hereby directed not to arrest the petitioner/A-2 till completion of investigation in Crime No.104 of 2015.

8. With the above direction, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

JUSTICE T.SUNIL CHOWDARY

Date:01.3.2016
AMD

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AMD

[\[1\]](#) A.I.R. 1960 S.C. 866
[\[2\]](#) A.I.R. 1992 S.C. 604
[\[3\]](#) (2009) 3 S.C.C. 78
[\[4\]](#) 2015 (1) A.C.R. 564 (SC)