

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9 of 2016

ORDER:

_____ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.432 of 2015 on the file of the Station House Officer, Amalapuram Town Police Station, Amalapuram, East Godavari District, registered for the offences under Sections 342, 354, 354(b), 509, 384 and 506-II read with 34 I.P.C. and Section 25 of the Arms Act.

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 accused No.1 and the second respondent is the *de facto* complainant in Crime No.432 of 2015.

4. _____ As per the allegations made in the complaint, on 05.11.2015, the second respondent along with his wife went to the house of the petitioner and requested him to repay the amount borrowed by him. The case of the prosecution is that the petitioner along with others threatened the second respondent and others with deadly weapons. It is further alleged that the petitioner wrongfully confined the second respondent along with his wife in his house.

5. _____ Whether the petitioners have 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.

6. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Amalapuram Town Police Station, Amalapuram, East Godavari District, not to arrest the petitioner/A.1 in Crime No.432 of 2015 till completion of the investigation.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

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Date: 05.01.2016

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604