

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2745 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.102 of 2014 on the file of the Station House Officer, Marripadu (D.C.Palli) Police Station, Nellore District, registered for the offences under Sections 447, 307, 143 and 149 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 accused No.2 and the second respondent is the *de facto* complainant in Crime No.102 of 2014.

4. As per the allegations made in the complaint, on 22.10.2014, the petitioner along with another entered into the land of the second respondent and obstructed the agricultural operations. It is further alleged that accused No.1 beat the maternal uncle of the second respondent.

5. The learned counsel for the petitioner submitted that due to civil disputes, the second respondent foisted a false case against the petitioner and others.

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

7. 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.

8. 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 it is not a fit case to quash the criminal proceedings at the threshold.

9. 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.

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Marripadu (D.C.Palli) Police Station, Nellore District, not to arrest the petitioner/A.2 in Crime No.102 of 2014 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 03.03.2016

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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)