

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9013 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.11 in Crime No.85 of 2010 on the file of the Station House Officer, Hindupur II Town Police Station, Anantapur District, registered for the offences under Sections 147, 148, 188, 323, 307, 354, 427, 447 and 448 read with 34 I.P.C.

2. Heard the learned counsel for the petitioners, the learned counsel for the second respondent and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 11 and the second respondent is the *de facto* complainant in Crime No.85 of 2010.

4. As per the allegations made in the complaint, on 21.09.2009 at about 9:00 AM, the petitioners trespassed into the house of B.Nagaraju and damaged the household articles. It is further alleged that the petitioners outraged the modesty of the second respondent and made an attempt to kill her family members.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. 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 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.

7. A perusal of the record reveals that initially this Court granted
interim stay on 09.09.2010 and thereafter on 22.12.2010, modified the
interim order.

8. Taking into consideration the facts and circumstances of the
case and also the interim order of this Court dated 22.12.2010, the
Station House Officer, Hindupur II Town Police Station, Anantapur
District, is hereby directed not to arrest the petitioners/A.1 to A.11 in
Crime No.85 of 2010 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

Date: 19.02.2016

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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)