

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10352 of 2009

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.1151 of 2009 on the file of the Station House Officer, Rajendranagar Police Station, Cyberabad, registered for the offence under Section 366 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 accused and the second respondent is the *de facto* complainant in Crime No.1151 of 2009.

4. As per the allegations made in the complaint, on 04.11.2009, the petitioner along with others kidnapped the daughter of the second respondent.

5. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case with an ulterior motive to take vengeance against the petitioner and his family members.

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

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. A perusal of the record reveals that on 09.12.2009 this Court granted interim stay.

11. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 09.12.2009, the Station House Officer, Rajendranagar Police Station, Cyberabad, is hereby directed not to arrest the petitioner/accused in Crime No.1151 of 2009 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 08.03.2016

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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)