

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.798 OF 2016**

**ORDER:**

1        This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/Accused No.4 in Cr.No.130 of 2015 on the file of Kazipet Police Station, Warangal District registered for the offences punishable under Section 447, 435, 327, 427 and 506 r/w 149 of IPC.

2        Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

3        The petitioner is accused No.4 and the first respondent is the de-facto complainant in Cr.No.130 of 2015. As per the allegations made in the complaint, on 29.06.2015, the petitioner herein along with others trespassed into the open plot of the first respondent and threatened the mason with dire consequences. It is further alleged that the petitioner herein along with others damaged the motorcycle and other articles belonging to the first respondent.

4        The contention of the learned counsel for the petitioner is that by mistake the petitioner is shown as an accused.

5        Whether the petitioner is falsely implicated in the case or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the

complaint. 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 on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab**<sup>[1]</sup>, **State of Haryana v. Bhajan Lal**<sup>[2]</sup>, **V.Y.Jose v State of Gurajat**<sup>[3]</sup> and **Teeja Devi v State of Rajasthan**<sup>[4]</sup>, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

7 The learned counsel for the petitioners submitted that the Station House Officer, Kazipet Police Station, may be directed not to arrest the petitioner pending investigation in the crime.

8 Taking into consideration the nature of allegations made in the complaint and having regard to the facts and circumstances of the case, the Station House Officer, Kazipet Police Station, Warangal District is hereby directed not to arrest the petitioner who is accused No.4 in Cr.No.130 of 2015 on his file, till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

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**T. SUNIL CHOWDARY, J**

**Date: 25<sup>th</sup> January, 2016**

**Kvsn**

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<sup>[1]</sup> AIR 1960 SC 866

<sup>[2]</sup> AIR 1992 SC 604

<sup>[3]</sup> (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)