

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16065 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in Cr.No.198 of 2016 of Indrapalem Police Station, Kakinada Rural Mandal, East Godavari District, registered against the petitioner for the offence punishable under Section 354 of Indian Penal Code, 1860 (for short, 'I.P.C.') on the sole ground that the complaint was lodged as a counter blast to the earlier complaints lodged by wife of the petitioner dated 14.02.2014, 01.10.2016 and 04.10.2016.

The jurisdiction of this Court under Section 482 of Cr.P.C. is limited and this Court can exercise inherent jurisdiction sparingly in exceptional circumstances only to give effect to the orders under the code, to prevent abuse of process of court and to secure the ends of justice. The Apex Court in **STATE OF HARYANA VS. BHAJAN LAL**¹ laid down certain guidelines, wherein guideline No.1 is relevant for the purpose of deciding the present issue. According to guideline No.1, this Court can exercise jurisdiction under Section 482 Cr.P.C. and quash the proceedings, where the allegations made in the F.I.R. or complaint, even if they are taken on their face value and accepted in their entirety do not constitute *prima facie* or make out the case against the accused.

Now coming to the allegations made in the complaint, the petitioner came to the house of second respondent and caught

¹ (1992) SUPP (1) SCC 335

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hold of her hand forcibly and demanded her to satisfy his desire and pressed her mouth at about 10-00 a.m. when she was taking bath. Such act directly would fall within Section 354 I.P.C. and the allegations made in the complaint, if taken on its face value, it would constitute an offence, *prima facie*, against the accused for the offence punishable under Section 354 of I.P.C. Therefore, applying guideline No.1 in **BHAJANLAL'S** case, it is not a fit case to quash the proceedings at this stage.

The main contention of the petitioner is that it is a false complaint lodged by the second respondent on account of earlier complaints lodged by the petitioner's wife referred to supra. But such questions cannot be decided while exercising jurisdiction under Section 482 of Cr.P.C. and when the allegations made in the complaint on its face value would constitute an offence punishable under Section 354 of I.P.C. and this court cannot enquire into those disputed questions of fact and hence, I find no ground to quash the proceedings exercising jurisdiction under Section 482 of Cr.P.C. and consequently the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in the criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 17.11.2016
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