

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1586 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A5, A6 and A8 in Crime No.87 of 2016 on the file of Station House Officer, Jeedimetla Police Station, Cyberabad registered for the offences under Sections 452, 504, 506 and 307 read 34 IPC.

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

3. The petitioners are A5, A6 and A8 and the second respondent is *de facto* complainant in Crime No.87 of 2016. As per the allegations made in the complaint, on 02.2.2016, the petitioners along with others trespassed into the house of second respondent. It is further alleged that some of the accused made an attempt to kill the second respondent. Even as per the allegations made in the complaint, the petitioners bet the complainant with hands, kicked with legs and threatened him with dire consequences. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Jeedimetla Police Station, Cyberabad is hereby directed not to arrest the petitioners/A5, A6 and A8 till completion of investigation in Crime No.87 of 2016.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

February 10, 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)