

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3692 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.6 in Crime No.10 of 2016 on the file of the Station House Officer, Polaki Police Station, Srikakulam District, registered for the offences under Sections 447, 427 and 506 read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 6 and the second respondent is the *de facto* complainant in Crime No.10 of 2016. It further reveals that the petitioners and the second respondent are residents of Deerghasi Village, Polaki Mandal, Srikakulam District.

4. As per the allegations made in the complaint, on 28.02.2016, the petitioners trespassed into the land of the second respondent and demolished the boundary wall of the second respondent and beat him indiscriminately. It is further alleged that the petitioners threatened the second respondent with dire consequences.

5. The learned counsel for the petitioners submitted that the petitioners filed O.S.No.8 of 2016 on the file of the Court of the Junior Civil Judge, Narasannapeta against the second respondent and obtained interim injunction on 10.02.2016 and the same has been extended upto 13.04.2016. He further submitted that the second respondent filed a false case against the petitioners to bring pressure on them.

6. It appears that there is a boundary dispute between the parties. 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 in view of pendency of O.S.No.8 of 2016 and Crime No.10 of 2016.

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 petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Polaki Police Station, Srikakulam District, not to arrest the petitioners/A.1 to A.6 in Crime No.10 of 2016 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 18.03.2016

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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)