

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CRIMINAL PETITION No.3713 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A1 in Crime No.115 of 2015 on the file of the Station House Officer, III Town Police Station, Anantapur, registered for the offences punishable under Sections 120-B,419,420,465,468,471,504 and 506 r/w 34 IPC.

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 A1 and the second respondent is *de facto* complainant in Crime No.115 of 2015. The marriage of A1 was performed with daughter of the 2nd respondent on 27-03-2011 in Anantapur town as per Muslim Rites and caste customs. As per the allegations made in the complaint, the petitioner in connivance with A2 created Talaqnama on 27-02-2014 with an ulterior motive to cheat the daughter of the 2nd respondent. It is further alleged that the petitioner created various documents to cheat the 2nd respondent as well as his daughter. It is further alleged that the petitioner herein threatened the 2nd respondent with dire consequences.

4. The contention of the learned counsel for the petitioner is that the second respondent foisted a false case against the petitioner to wreak vengeance. A perusal of the record reveals that the petitioner herein and his family members are facing trial in C.C.No.115 of 2015 on the file of the Judicial Magistrate of I Class, Anantapur. The daughter of the 2nd respondent herein filed DVC 9 of 2015 on the file of the Special Judicial First Class

Magistrate (Mobile), Anantapur, against the petitioner and his family members. The daughter of the 2nd respondent filed M.C.No.11 of 2015 on the file of the Additional Judicial First Class Magistrate, Anantapur, against the petitioner seeking maintenance. In view of pendency of number of cases between the parties, this Court is not inclined to express any opinion with regard to allegations made in the complaint. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

5. 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.

6. 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, III Town Police Station, Anantapur, is hereby directed not to arrest the petitioner-A1 till completion of investigation in Crime No.115 of 2015.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this

Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

DATED: 18.03.2016.

Hsd

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

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