

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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CRIMINAL PETITION No.3748 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A2 in Crime No.128 of 2016 on the file of the Station House Officer, Miyapur Police Station, Cyderabad, R.R. District, registered for the offences punishable under Sections 341,506 and 504 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 A2 and the second respondent is *de facto* complainant in Crime No.128 of 2016. As per the allegations made in the complaint, since 13-02-2016, the petitioner and another intentionally insulted the 2nd respondent. It is further alleged that the petitioner is harassing the 2nd respondent by restraining water supply. It is further alleged that the petitioner threatened the 2nd respondent with dire consequences.

4. The contention of the learned counsel for the petitioner is that the 2nd respondent foisted a false case against the petitioner. 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. 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, Miyapur Police Station, Cyderabad, R.R. District, is hereby directed not to arrest the petitioner-A2 till completion of investigation in Crime No.128 of 2016.

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

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)