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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.861 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.3 to A.5 in Crime No.71 of 2013 on the file of the Station House Officer, Governorpet Police Station, Vijayawada City, registered for the offences under Sections 448, 427, 323 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.3 to 5 and the second respondent is the *de facto* complainant in Crime No.71 of 2013.

4. As per the allegations made in the complaint, on 27.03.2013, the petitioners along with others trespassed into the shop of the second respondent. It is further alleged that the petitioners threatened the second respondent and his employees with dire consequences.

5. A perusal of the record reveals that the police filed a memo to add Section 455 I.P.C. on 05.01.2016 along with the remand report of petitioner Nos.1 and 3, who are accused Nos.3 and 5.

6. 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.

7. 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.

8. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest petitioner No.2/A.4 till completion of the investigation.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Governorpet Police Station, Vijayawada City, not to arrest petitioner No.2/A.4 in Crime No.71 of 2013 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 27.01.2016

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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)