

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.15701 OF 2016

ORDER:

This criminal petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in Crime No.478 of 2016 of Pahadisharief Police Station, Cyberabad, Rangareddy District, registered against the petitioner for the offences punishable under Sections 354-A and 509 of Indian Penal Code, 1860 (for short, 'IPC').

The *de facto* complainant is the Sub-Inspector of police, who made serious allegations against the petitioner, such as, her body was described in an indecent manner allegedly by the petitioner and abused her in vulgar language.

On receipt of such complaint, the Commandant ordered an enquiry, but nothing was turned out to take action against the petitioner. After conclusion of departmental enquiry, the present complaint is filed.

The allegations made in the complaint would constitute an offence on its face value and hence, this Court cannot exercise jurisdiction under Section 482 Cr.P.C. at this stage, in view of the guidelines laid down by the Apex Court in **STATE OF HARYANA VS. BHAJAN LAL**¹.

However, the petitioner is the Inspector of police in CISF, whereas the *de facto* complainant is the Sub-Inspector of the same Department. Taking into consideration of the facts and circumstances of the case, the investigating agency is directed to follow the procedure contemplated under Section 41-A Cr.P.C.

¹ (1992) Supp. (1) SCC 335

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and the guidelines laid down by the Apex Court in **ARNESH KUMAR v. STATE OF BIHAR**².

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 07.11.2016
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² (2014) 8 SCC 273