

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11374 OF 2010

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.59 of 2010 on the file of Station House Officer, Parkal Police Station, Warangal District, registered for the offences punishable under Section 337 of IPC.

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

3 The petitioner is the sole accused and the second respondent is the de-facto complainant in Cr.No.59 of 2010. As per the allegations made in the complaint, the wife of the second respondent joined in Srinivasa Maternity Hospital, Parkal on 03.10.2010. It is further alleged that the petitioner administered duplicate medicines on the wife of the second respondent. It is further alleged that the wife of the second respondent suffered a lot due to negligent treatment of the petitioner.

4 The learned counsel for the petitioner submitted that the wife of the second respondent took treatment in MGM hospital, Warangal after discharge from the hospital of the petitioner. The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. If this Court expresses any opinion during the pendency of investigation, the same may cause prejudice to

one of the parties to the proceedings. The allegations made in the complaint are, *prima facie*, sufficient to investigate into the matter.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, Parkal Police Station, Warangal District may be directed not to arrest the petitioner pending investigation in the crime.

7 On 16.10.2010 this Court granted interim stay in the above crime and the same has been in force till today.

8 Having regard to the fact that the interim order granted by this Court on 16.10.2010 is in force as on today, the Station House Officer, Parkal Police Station, Warangal District is hereby directed not to arrest the petitioner herein in Cr.No.59 of 2010 on his file, till completion of the investigation.

8 With the above direction, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 25th February, 2016

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

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