

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2629 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A-1 and A-2 in Crime No.39 of 2016 on the file of Peravali Police Station, Tanuku, West Godavari District registered for the offence under Section 306 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 A-1 and A-2 and the second respondent is the *de facto* complainant in Crime No.39 of 2016. As per the allegations made in the complaint, the husband of the second respondent borrowed an amount of Rs.3,00,000/- from A-2 and Rs.3,00,000/- from A-3 and later, repaid an amount of Rs.8,00,000/- to A-2 and Rs.10,00,000/- to A-3. It is further alleged that due to harassment of the petitioners, the husband of the second respondent committed suicide.
4. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.
5. It is needless to say that the Court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in

the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioners, then this Court can quash the proceedings in order to prevent abuse of process of Court thereby to secure the ends of justice.

6. I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record 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 principles enunciated in ***R.P.KAPOOR v. STATE OF PUNJAB***^[1], ***STATE OF HARYANA v. BHAJAN LAL***^[2], ***V.Y.JOSE V STATE OF GUJARAT***^[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 the petitioners till completion of investigation.

9. A-3 in this crime filed CrI.P.No.2254 of 2016 to quash the proceedings against him. This Court, while disposing of the said Criminal Petition, vide order dated 24.2.2016, directed the Station House Officer not to arrest A-3 till completion of investigation in the crime.

10. Having regard to the facts and circumstances of the case, the Station House Officer, Peravali Police Station, Tanuku, West Godavari District, is hereby directed not to arrest the petitioners/A-1 and A-2 till completion of investigation in Crime No.39 of 2016.

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

JUSTICE T.SUNIL CHOWDARY

Date:01.3.2016
AMD

-
THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

-
-
-
-
-
-
-
-
-

-

DATE: 01.3.2016

AMD

-
- [\[1\]](#) AIR 1960 SC 866
 - [\[2\]](#) AIR 1992 SC 604
 - [\[3\]](#) (2009) 3 SCC 78
 - [\[4\]](#) 2015 (1) ACR 564 (SC)