

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.3460 of 2011

ORDER:

This petition is filed seeking for quash of the proceedings in FIR No.39 of 2011 on the file of Dachepalli Police Station, Dachepalli.

2. Heard the counsel for the petitioner; the Public Prosecutor appearing for the 1st respondent; and the counsel for the 2nd respondent.

3. The counsel for the petitioner contends that there are civil disputes pending between the parties and the petitioner is absolutely innocent. Petitioner is not aware of the disputes between the complainant and her mother-in-law, who is the executant of the agreement of sale in favour of the petitioner. Hence, the petitioner cannot be mulcted with any allegation of conspiracy with the mother-in-law of the complainant.

4. However, a perusal of the complaint shows that apart from the allegations of conspiring with her mother-in-law, the complainant alleged that the accused came into her house and tried to assault her. Hence, unless investigation is permitted to be taken up, the truth of the allegations made in the complaint cannot be brought out and hence, this case is not considered as a case, which is fit for quash of the proceedings. But, however, the counsel for the petitioner submits that earlier

this court had stayed the arrest of the petitioner and that the same may be continued.

5. Hence, the stay of arrest of the petitioner is permitted and the police are directed not to arrest the petitioner unless it is required for the investigation. The police are directed to follow the guidelines enunciated by the Supreme Court in the case of *Arnesh Kumar v. State of Bihar and another* (Crl.Appeal No.1277 of 2014)¹.

With the above observations, the Criminal Petition is dismissed. However, all further proceedings against the petitioner may go on. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

November 27, 2017
LMV

T. RAJANI, J

¹ (2014) 8 SCC 273