

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3939 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in Crime No.89 of 2017 on the file of the Station House Officer, Alipiri Police Station, Chittoor District, Hyderabad, registered for the offences punishable under Sections 448, 354-D, 354, 324 and 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that the petitioners are accused Nos.2 to 5 and the first respondent is the *de facto* complainant in Crime No.89 of 2017.

4. As per the allegations made in the complaint, A1 made an attempt to outrage the modesty of the first respondent. It is further alleged that the petitioners herein trespassed into the house of the first respondent, beat her and threatened her with dire consequences.

5. Learned counsel for the petitioners submitted that even if the allegations made in the complaint *ex facie* to be true and correct, no case is made out against the petitioners. He further submitted that the first respondent foisted a false complaint against the petitioners.

6. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation. 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 it is not a fit case to quash the criminal proceedings at the threshold.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in *Arnesh Kumar v. State of Bihar*⁵, the Station House Officer, Alipiri Police Station, Chittoor District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.89 of 2017 so far as the petitioners/ accused Nos.2 to 5 are concerned.

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ 2014 (8) SCALE 250

9. With the above direction, the Criminal Petition is disposed of.

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

T.SUNIL CHOWDARY, J

Date: 06.06.2017

Rns

