

THE HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4619 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/ accused Nos.4 to 10 in Crime No.175 of 2017 on the file of the Station House Officer, Pedakakani Police Station, Guntur Urban and Guntur District, registered under Sections 147, 148, 324, 354, 341 and 509 read with 149 IPC.

2. Learned counsel for the petitioners submitted that even if the allegations made in the complaint *ex facie* taken to be true and correct, no offence is made out against the petitioners. He further submitted that the first respondent foisted a false case against the petitioners as a counterblast, as the petitioners herein lodged a complaint against the first respondent and his family members. Learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioners, therefore, it is not a fit case to quash the proceedings at this stage.

3. A perusal of the record reveals that the petitioners are A4 to A10 and the first respondent is the *de facto* complainant. As per the allegations made in the complaint, on 04.06.2017 at about 5.30 p.m., the petitioners herein trespassed into the house of the first respondent and beat him and his family members. It is further

alleged that the petitioners herein made an attempt to outrage the modesty of the wife of the first respondent.

4. 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. Whether the petitioners have committed the alleged offence or not will come to light during the course 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.

5. 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.

6. 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, Pedakakani Police Station, Guntur Urban, Guntur District, is hereby

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

directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.175 of 2017 so far as the petitioners/ accused Nos.4 to 10 are concerned.

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

T.SUNIL CHOWDARY, J

Date:20.06.2017
Rns

