

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5280 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused No.5 in Crime No.5 of 2017 on the file of the Station House Officer, Bheemaram Police Station, Mancherial District, registered for the offence under Section 363 of IPC.

2. Learned counsel for the petitioner submitted that the petitioner has nothing to do with accused No.1. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that initially the crime was registered against accused No.1 for the offence under Section 363 of IPC. During the course of investigation, the Police registered the case against accused Nos.2 to 8 and added Section 376(1) read with 109 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012. The record further reveals that petitioner is accused No.5 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, accused No.1 kidnapped the daughter of the second respondent, with the help of the petitioner and other accused, at Bheemaram. It is further alleged that the petitioner, who is the driver of the car bearing No.AP 10 BD 4242, dropped accused No.1 and the

daughter of the second respondent in Hyderabad. It is also alleged that accused No.1 committed the offences with the help of the petitioner and other accused.

4. While deciding the petitions 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 petitioner played any role in the commission of offences or not will come in 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 Punjab¹**, **State of Haryana v. Bhajan Lal²**, **V.Y.Jose v. State of Gurajat³** and **Teeja Devi v. State of Rajasthan⁴**, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

7. Accordingly, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 06, 2017.
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¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)