

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4574 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.19 of 2017 on the file of Station House Officer, Mudivedu Police Station, Chittoor district, registered for the offences punishable under Sections 323, 324 and 354 (B) of IPC.

2 The learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner. She further submitted that the allegations made in the complaint do not fall within the ambit of Sections 323, 324 and 354-B of IPC, therefore, it is a fit case to quash the proceedings against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Andhra Pradesh submitted that the allegations made in the complaint prima facie constitute the offences alleged to have been committed by the petitioner.

3 A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the de-facto complainant. A perusal of the record reveals that O.S.No.87 of 2015 is pending between the parties. As per the averments made in the complaint on 14.3.2017 at about 4 PM the petitioner beat the second respondent. It is further alleged that the petitioner made attempt to outrage the modesty of the second respondent.

4 Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, Mudivedu Police Station, Chittoor District, may be directed not to arrest the petitioner pending investigation in the crime.

7 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, Mudivedu Police Station, Chittoor district, is hereby directed to

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.19 of 2017 so far as the petitioner/accused is concerned.

8 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: 19th June, 2017
Kvsn

