

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4870 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner in Cr.No.1172 of 2017 on the file of Station House Officer, Rajendranagar Police Station, registered for the offences punishable under Section 354 of IPC.

2 The learned counsel for the petitioner submitted that the second respondent foisted a false case against the petitioner. He further submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no case is made out against the petitioner and hence it is a fit case to quash the proceedings against the petitioner.

3 The learned Assistant Public Prosecutor representing the State of Telangana submitted that the allegations made in the complaint are prima facie sufficient to investigate into the matter.

4 A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de-facto* complainant. As per the allegations made in the complaint, some unknown person followed the second respondent for a period of five months. It is further alleged that on 09.06.2017 some unknown person caught hold of the hand of the second respondent. It is further alleged that the second respondent came to know the cell number of that person as 8885481165, which belongs to the petitioner.

5 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.

6 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.

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

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, Rajendranagar Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Cr.No.1172 of 2017.

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

9 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: 27th June, 2017
Kvsn

