

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.5833 of 2017**

**ORDER:**

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.17 of 2017 on the file of the Station House Officer, Somala Police Station, Chittoor District, registered for the offences punishable under Sections 353, 506, 509 and 427 I.P.C.

2. The learned counsel for the petitioner 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. He further submitted that the first respondent foisted a false case against the petitioner; therefore, it is a fit case to quash the proceedings.

3. The learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is the sole accused and the first respondent is the *de-facto* complainant in Crime No.17 of 2017.

5. As per the allegations made in the complaint, the first respondent refused to provide water tap connection to the petitioner in view of the water scarcity in the village. It is further alleged that the petitioner herein abused the first respondent in filthy language and prevented her from discharging her official duties and threatened her with dire consequences.

6. 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 petitioner has committed the alleged offences 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.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab<sup>1</sup>**, **State of Haryana v. Bhajan Lal<sup>2</sup>**, **V.Y.Jose v. State of Gujarat<sup>3</sup>** and **Teeja Devi v. State of Rajasthan<sup>4</sup>**, 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<sup>5</sup>**, the Station House Officer, Somala Police Station, Chittoor District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.17 of 2017 so far as the petitioner/sole accused is concerned.

---

<sup>1</sup> AIR 1960 SC 866

<sup>2</sup> AIR 1992 SC 604

<sup>3</sup> (2009) 3 SCC 78

<sup>4</sup> 2015 (1) ACR 564 (SC)

<sup>5</sup> (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: 19.07.2017  
Ivd

