

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4891 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused 1 and 2 in Crime No.139 of 2017 on the file of the Station House Officer, Sattenapalli Town Police Station, Guntur District, registered under Section 353 read with 34 IPC.

2. Learned counsel for the petitioners submitted that the second respondent foisted a false case against the petitioners at the behest of other political leaders. He further submitted that the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioners. Learned Public Prosecutor submitted that the allegations made in the complaint *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioners are accused Nos.1 and 2 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, on 09.06.2017 at about 10.50 a.m. when the second respondent along with other staff was on traffic duty in Sattenapalli town, the petitioners herein intervened and obstructed him in discharging his official duties.

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 Gujarat**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, Sattenapalli Town Police Station, Guntur District, is hereby directed to follow the procedure as

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

contemplated under Section 41-A Cr.P.C. in Crime No.139 of 2017.

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:28.06.2017

Rns

