

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3863 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/Accused No.4 in Crime No.114 of 2016 on the file of the Station House Officer, Tirupati Urban East Police Station, registered for the offences punishable under Sections 452, 354 and 323 read with 34 IPC.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

3. A perusal of the record reveals that the petitioner is accused and second respondent is *de facto* complainant in Crime No.114 of 2016. As per the allegations made in the complaint, the petitioner along with other accused trespassed into the house of the second respondent and outraged her modesty. It is further alleged that the petitioner and other accused also beat the second respondent.

4. The learned counsel for the petitioner submitted that due to civil disputes between the parties, the petitioner is falsely implicated in this case.

5. 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. 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.

6. 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 Gurajat**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.

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, Tirupati Urban East Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.114 of 2016 so far as the petitioner/A4 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: 02.06.2017
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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)

⁵ 2014 (8) SCALE 250