

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6006 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos. 1 and 2 in Crime No.222 of 2017 on the file of the Station House Officer, Ongole Taluk Police Station, Ongole, Prakasam District, registered for the offences punishable under Sections 506, 354,341 and 109 IPC and 31 of DV Act.

2. Learned counsel for the petitioners submitted that the 2nd respondent foisted a false case against the petitioners to take vengeance against them. He further submitted that the allegations made in the complaint are highly improbable and unbelievable; therefore, it is a fit case to quash the proceedings. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioners.

3. A perusal of the record reveals that the petitioners are A1 and A2 and the 2nd respondent is the *de facto* complainant in Cr.No.222 of 2017. A perusal of the record reveals that the petitioners are in-laws of the 2nd respondent. As per the allegations made in the complaint, on 22-05-2017, the 2nd respondent occupied the house in pursuance of the orders passed in DVC No.7 of 2015. It is further alleged that on 23-05-2017, the petitioners herein threatened the 2nd respondent with dire consequences. It is further alleged that on 23-05-2017 at about 11 P.M., the petitioners outraged modesty of the second respondent by pulling her saree.

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 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.

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 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.

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, Ongole Taluk Police Station, Ongole, Prakasam District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.222 of 2017 so far as the petitioners/A1 and A2 are concerned.

7. With the above direction, the Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 21-07-2017
Hsd

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