

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6147 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 4 in Crime No.74 of 2017 on the file of the Station House Officer, Tadepalligudem Rural Police Station, Tadepalligudem, West Godavari District, registered for the offences under Sections 354(B), 323 read with 34 IPC.

2. Learned counsel for the petitioners strenuously submitted that the fourth petitioner/A4 was falsely implicated, who was in Hyderabad at the time of alleged incident that itself falsifies the story invented by the second respondent. He further submitted that there is a delay of 11 days in lodging the complaint, therefore, it is a fit case to quash the proceedings. **Per contra**, learned Public Prosecutor for the State of Andhra Pradesh 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 herein are accused Nos.1 to 4 and the second respondent is the *de facto* complainant. The petitioners and the second respondent are neighbours. As per the allegations made in the complaint, on 18.05.2017, the petitioners beat the second

respondent and torn her Punjabi dress with an intention to outrage her modesty. The gist of the allegations made in the complaint is that the petitioners herein made an attempt to outrage the modesty of the second respondent. As rightly pointed out by the learned counsel for the petitioners, the complaint was lodged on 29.05.2017, whereas the alleged incident has taken place on 18.05.2017. It is needless to say mere delay in lodging the complaint by itself is not a legally valid ground to quash the criminal proceedings.

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 and whether the fourth petitioner was in Hyderabad on the date of alleged incident 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 Punjab¹, State of Haryana v. Bhajan Lal², V.Y.Jose v. State of Gujarat³ and Teeja Devi v. State of Rajasthan⁴, 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 Bihar⁵**, the Station House Officer, Tadepalligudem Rural Police Station, West Godavari District, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.74 of 2017, so far as the petitioners/accused Nos.1 to 4 are concerned.

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:26.07.2017

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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 SCC 273