

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4003 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner-accused in Crime No.123 of 2017 on the file of the Station House Officer, Dharmavaram Urban Police Station, Anantapur District, registered for the offences punishable under Sections 323, 354 and 506 IPC.

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

3. A perusal of the record reveals that the petitioner is sole accused and second respondent is *de facto* complainant in Crime No.123 of 2017. The record further reveals that the second respondent filed O.S. No.115 of 2012 on the file of the Court of Principal Junior Civil Judge, Dharmavaram against the petitioner for eviction from the suit schedule property whereas the petitioner filed O.S. No.65 of 2012 on the file of the Court of Principal Junior Civil Judge, Dharmavaram against the second respondent seeking perpetual injunction. After fullfledged trial, the trial court dismissed O.S.No.65 of 2012 and decreed O.S. No.115 of 2012. Feeling aggrieved by the judgment and decree dated 22.2.2017 in O.S. Nos.65 and 115 of 2012, the petitioner preferred A.S. Nos.6 and 7 of 2017 respectively on the file of the Court of Senior Civil Judge, Dharmavaram. As per the allegations made in the complaint, on 20./5.2017 the petitioner made an attempt to outrage the modesty of the second respondent. The petitioner also

beat the second respondent and threatened her with dire consequences.

4. The learned counsel for the petitioner submitted that due to civil disputes, the second respondent foisted false case against the petitioner.

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. Whether the lis involved between the petitioner and second respondent is purely civil in nature 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.

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

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

Arnesh Kumar v. State of Bihar⁵, the Station House Officer, Dharmavaram Urban Police Station, Anantapur District, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.123 of 2017 so far as the petitioner-accused 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: 06.06.2017
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⁵ (2014) 8 SCC 273