

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5428 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-accused No.3 in Crime No.86 of 2017 on the file of the Station House Officer, Atmakur Police Station, Sri Potti Sri Ramulu Nellore District, registered for the offences under Sections 376(1), 366 and 201 of IPC.

2. Learned counsel for the petitioner submitted that the petitioner has nothing to do with accused No.1. He further submitted that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioner; therefore, it is a fit case to quash the proceedings against the petitioner. ***Per contra***, learned Assistant Public Prosecutor submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

3. A perusal of the record reveals that the petitioner is accused No.3 and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, accused No.1 had taken away the second respondent to Bengaluru by inducing that he will marry her, confined her in a house for about one and a half month and committed rape on her, thereby accused No.1 subjected the second respondent to cruelty physically and mentally. It is further alleged that the petitioner forced the second respondent to take Rs.50,000/- and keep away or else to commit suicide. It is also alleged that due to behaviour of the petitioner, the second respondent attempted to commit suicide. A perusal of the record

prima facie reveals the role played by the petitioner. The record further reveals that the petitioner made an attempt to screen away the evidence in order to save accused No.1.

4. While deciding the petitions 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 petitioner has committed the alleged offences or not will come in 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 Gurajat³** 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. Hence, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

July 10, 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)