

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4137 OF 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A1 to A6 in Crime No.542 of 2016 on the file of the Station House Officer, Pahadi Shareef Police Station, Cyberabad, registered for the offence punishable under Section 324 r/w 34 IPC.

2. Heard the learned counsel for the petitioners and the learned Assistant Public Prosecutor for the State of Telangana.

3. A perusal of the record reveals that the petitioners are A1 to A6 and the 2nd respondent is the *de facto* complainant in Cr.No.542 of 2016. As per the allegations made in the complaint, on 20-11-2016 at about 1.00 P.M., the petitioners entered into the house of the *de facto* complainant and beat her and her family members with crow bars. It is further alleged that the petitioners herein indiscriminately beat the family members of the *de facto* complainant. A perusal of the record reveals that the Medical Officer, who examined the injured issued wound certificates. Basing on the wound certificates, police filed a memo for alteration of Section of law from 324 r/w 34 IPC to 307 r/w 34 IPC.

4. Learned counsel for the petitioners submitted that the petitioners are falsely implicated in this case. He further submitted that the 2nd respondent and her men brutally beat the petitioners and police refused to register a case against the 2nd respondent.

5. Learned Assistant Public Prosecutor on instructions submitted that the allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

6. 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 intentionally beat the 2nd respondent and her family members 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.

7. Having regard to the facts and circumstances of the case and the wound certificates issued by the competent Medical Officer 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.

8. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 08-06-2017

Hsd

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)