

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5895 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A1 and A9 in Crime No.67 of 2015 of Chevella Police Station, Ranga Reddy District registered for the offences punishable under Sections 447, 427 and 506 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. The petitioners are A1 and A9 and second respondent is *de facto* complainant in Crime No.67 of 2015. As per the allegations made in the complaint, the petitioners along with others unauthorisedly entered into the land of the second respondent. It is further alleged that the petitioners threatened the second respondent with dire consequences. The contention of the learned counsel for the petitioners is that the petitioners are *bona fide* purchasers of the land. He further submitted that civil suits are pending between the parties.

4. It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent power under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

5. I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record 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**, **State of Haryana v Bhajan Lal**, **V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners/A1 and A9 during the pendency of the investigation. In view of the orders of this court dated 07.7.2015, the Station House Officer, Chevella Police Station, Ranga Reddy District, is hereby directed not to arrest the petitioners/A1 and A9 in connection with Crime No.67 of 2015 till completion of the investigation.

8. With the above direction, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

November 23, 2015.

YS