

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10782 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.52 of 2015 of Bachannapet Police Station, Warangal District registered for the offences under Sections 420 and 506 I.P.C.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de facto* complainant in Crime No.52 of 2015.

4. The case of the prosecution is that the petitioner entered into an agreement with the second respondent agreeing to sell an extent of Ac.15.00 guntas of land in Survey Nos.216, 217 and 218 situated at Padamatikeshavapur Village of Bachannapet Mandal, Warangal District after receiving an amount of Rs.72,000/-. It is further alleged that the petitioner and others have sold the land in question to one K.Amrutha Reddy under an ordinary sale deed dated 30.02.1961. The gist of the allegations made against the petitioner is that he executed an agreement of sale in favour of the second respondent knowing fully well that he is not the owner of the land in question.

5. While exercising the 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. 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 principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**^[1] and **State of Haryana v. Bhajanlal**^[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner till completion of the investigation.

8. Taking into consideration the nature of the allegations made against the petitioner and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**^[3], the Station House Officer, Bachannapet Police Station, Warangal District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.52 of 2015 so far as the petitioner/accused is concerned.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

-

T.SUNIL CHOWDARY, J

-

Date: 04.11.2015

lvd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] 2014 (8) SCALE 250