

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.70 OF 2014

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/A.1 to A.4 in Cr.No.917 of 2013 on the file of III Town Police Station, Visakhapatnam registered for the offences punishable under Sections 447 and 379 of IPC.

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

3 A perusal of the record reveals that the petitioners are A.1 to A.4 and the second respondent is the de-facto complainant in Cr.No.917 of 2013. As per the allegations made in the complaint, the petitioners trespassed into the land of the 2nd respondent which is an extent of 676 Sq. Yards in Sy.No.46/8/B, Rasapuvanipalem, Visakhapatnam. It is further alleged that the petitioners have created false document with an ulterior motive to knock away the property of the 2nd respondent.

4 Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. The allegations made in the complaint are prima facie sufficient to investigate into the matter.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, III

Town Police Station, Visakhapatnam may be directed not to arrest the petitioners pending investigation in the crime.

7 On 22.01.2014 this Court granted interim stay of arrest of the petitioners in Cr.No.917 of 2013 on the file of III Town Police Station, Visakhapatnam. Having regard to the facts and circumstances of the case and in view of the interim orders passed by this Court on 22.01.2014, the Station House Officer, III Town Police Station, Visakhapatnam is hereby directed not to arrest the petitioners in Cr.No.917 of 2013 till completion of investigation.

8 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 8th December, 2015

Kvsn