

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12540 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A.2, A.3, A.5 & A.6 in Cr.No.197 of 2015 of Chinna Chowk U/G PS, Kadapa City, YSR Kadapa District, for the offences punishable under Sections 420, 423, 506 read with 34 IPC.

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

3. A perusal of the record reveals that the petitioners are A.2, A.3, A.5 & A.6 and the 2nd respondent, is the *de facto* complainant, in Cr.No.197 of 2015 of Chinna Chowk U/G PS, kadapa City. As per the allegations made in the complaint, the petitioners herein along with others sold an extent of 8 cents of land to the 2nd respondent stating that the land belongs to them. It is further alleged that the petitioners herein along with others, sold the government land to the 2nd respondent and thereby cheated him. Gist of the allegations made in the complaint is that the petitioners herein along with others have cheated the 2nd respondent. Whether the petitioners herein have cheated the 2nd respondent or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. 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 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.

6. The learned counsel for the petitioners submits that the petitioners are the

government employees and hence, the concerned Station House Officer may be directed not to arrest the petitioners.

7. Having regard to the facts of the case and also nature of employment of the petitioners, the Station House Officer, Chinna Chowk U/G PS, Kadapa City, is hereby directed not to arrest the petitioners/A.2, A.3, A.5 & A.6 in Cr.No.197 of 2015, till completion of the investigation.

8. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 27.11.2015

BSS

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

Date: 27.11.2015

BSS