

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10285 of 2015

ORDER:

_____ This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A1 to A3 in Crime No.284 of 2015 of Sangareddy Town Police Station, registered for the offences under Sections 420, 406, 504 and 506 read with 34 IPC.

2. The contention of learned counsel for the petitioners is that the allegations made in the complaint do not constitute the offences alleged to have been committed by the petitioners/A1 to A3. He further submitted that the complainant himself filed O.S. No.76 of 2015 on the file of Senior Civil Judge Court, Sangareddy, Medak District; therefore, initiation of criminal proceedings against the petitioners is not maintainable under law. ***Per contra***, learned Public Prosecutor submitted that this is not the stage to go into the merits of the main case.

3. A perusal of the record reveals that the petitioners are A1 to A3 and second respondent is *de facto* complainant in Crime No.284 of 2015. As per the allegations made in the complaint, the petitioners are the owners of an extent of Acs.2.10 guntas in survey Nos. 618, 623 and 624 of Ameenpur village of Patancheru Mandal. On 02.4.2008, the petitioners herein have entered into an agreement with the second respondent for development of the said land. As per the terms and conditions of the agreement, the petitioners are entitled for 42% whereas second respondent is entitled to 58% of flats constructed in the land. It is further alleged that the petitioners have sold the flats fell to their share and not cooperating with the second respondent to execute sale deeds in respect of the flats fell to his share.

4. While exercising inherent jurisdiction 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 to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. Suffice it to say that the court shall not interfere with the investigation more particularly at the initial stage. A perusal of the 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.

5. Having regard to the facts and circumstances of the case 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 this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners during the pendency of the investigation. Taking into consideration the nature of the allegations made in the complaint and also the principle enunciated in **Arnesh Kumar v State of Bihar**^[5], the Station House Officer, Sangareddy Town Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.284 of 2015 so far as the petitioners/A1 to A3 are concerned.

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

November 02, 2015.

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)

[\[5\]](#) (2014) 8 SCS 273