

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8407 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.1 to 3 in Cr.No.258 of 2015 on the file of Taluk Police Station, Ongole, registered for the offences punishable under Sections 447 and 506 of IPC, Section 5 of Land Grabbing (Prohibition) Act, 1982 and Section 3 (1) (x) of S.C & S.T (PoA) Act, 1989.

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

3 A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the 2nd respondent is the de-facto complainant in Cr.No.258 of 2015. As per the allegations made in the complaint, the petitioners trespassed into the land of the 2nd respondent with an ulterior motive. It is further alleged that the petitioners herein have insulted the servant of the 2nd respondent in the name of his caste. It is further alleged that the petitioners have created false pattedar passbooks with an intention to deceive the 2nd respondent.

4 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 petitioners.

5 Whether the petitioners have criminally trespassed into the land of the 2nd respondent with an intention to grab the property of the 2nd respondent and whether they have insulted the servant of the 2nd respondent in the name of the caste or not will come to light during the course of investigation only. 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.

6 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.

7 The learned counsel for the petitioners submitted that the petitioners are facing much difficulty in attending the trial Court on each and every adjournment. He further requested that the Station House Officer, Taluk Police Station, Ongole may be directed not to arrest the petitioners/accused Nos.1 to 3 pending investigation in the crime No.258 of 2015.

8 On 01.10.2015 this Court granted interim stay of all further proceedings in Cr.No.258 of 2015 on the file of Taluk Police Station, Ongole. Having regard to the facts and circumstances of the case and in view of the order dated 01.10.2015 passed by this Court, the Station House Officer, Taluk Police Station, Ongole is hereby directed not to arrest the petitioners/Accused No.1 to 3 in Cr.No.258 of 2015 till completion of investigation.

9 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: 25th November, 2015

Kvsn