

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13966 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.6 in Crime No.394 of 2015 on the file of the Station House Officer, Pedakakani Police Station, Guntur Urban, registered for the offences under Sections 420 and 506 read with 34 I.P.C.

2. The contention of the learned counsel for the petitioners is two fold: (1) The first respondent has not explained the reasons for abnormal delay in lodging the complaint, (2) Even if the allegations made in the complaint are *ex facie* taken to be true and correct, no offence is made out against the petitioners.

3. The learned Public Prosecutor submitted that this is not the stage to go into the merits of the case.

4. A perusal of the record reveals that the petitioners are accused Nos.1 to 6 and the first respondent is the *de facto* complainant in Crime No.394 of 2015.

5. As per the allegations made in the complaint, the petitioners created documents as if they are the real owners of the land which belongs to the Gram Panchayat. The gist of the allegations made in the complaint is that the petitioners created documents with an ulterior motive to cheat the Gram Panchayat. It is further alleged that the petitioners threatened the first respondent with dire consequences.

6. Whether the Grama Panchayat or the petitioners are the owners of the property in question will come to light during the course of investigation. While exercising the inherent 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.

7. 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.

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

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Pedakakani Police Station, Guntur Urban, not to arrest the petitioners/A.1 to A.6 in Crime No.394 of 2015 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 29.12.2015

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604