

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12193 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in Crime No.113 of 2015 of Kukatpally Police Station, Cyberabad, registered for the offence punishable under Sections 420, 468 and 471 IPC.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.113 of 2015. As per the allegations made in the complaint, the second respondent purchased Plot No.A33, admeasuring 500 sq. yards in Survey No.161 of Gopanpally village, Lingampally Mandal, under registered sale deed dated 08.05.1987. It is further alleged that the second respondent entrusted the registered sale deed to the petitioner to get zerox copy of the same. The gist of the complaint is that the petitioner herein by impersonation obtained a General Power of Attorney on 18.09.2014 in respect of the property covered under registered sale deed dated 08.05.1987 with an ulterior motive to deceive the second respondent. The petitioner is none other than the nephew of the second respondent.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle

a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed

by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on 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.

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.

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

Having regard to the facts and circumstances of the case and also in view of the principle enunciated by the Supreme Court in ***ARNESH KUMAR v. STATE OF BIHAR AND ANOTHER***, the Station House Officer, Kukatpally Police Station, Cyberabad, is hereby directed to follow the procedure as contemplated under Section 41-A Cr.P.C. in Crime No.113 of 2015, so far as the petitioner/Accused No.1 is concerned.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:23.11.2015

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