

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.5919 of 2015**

**ORDER:**

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 5 in Crime No.1226 of 2014 of Rajendranagar Police Station, Cyberabad, registered for the offence punishable under Sections 448, 447, 427 and 506 IPC.

Heard the learned senior counsel Sri Vedula Venkata Ramana appearing for the petitioners, learned counsel for the second respondent and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioners are accused Nos.1 to 5 and the second respondent is the *de facto* complainant in Crime No.1226 of 2014. As per the allegations made in the complaint, on 14.12.2014 the petitioners herein trespassed into the land in Survey Nos.493 and 494, New Green City, Budwel, which belongs to second respondent. It is further alleged that the petitioners herein demolished the compound wall by using 4 JCBs. The further case of the prosecution is that the petitioners herein threatened the second respondent with dire consequences. Whether the petitioners have committed the alleged offence or not will come to light during the course of investigation.

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 material available on record 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***<sup>[1]</sup>, ***STATE OF HARYANA v. BHAJAN LAL***<sup>[2]</sup>, ***V.Y.JOSE V STATE OF GURAJAT***<sup>[3]</sup> ***AND TEEJA DEVI v. STATE OF RAJASTHAN***<sup>[4]</sup>, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners/A1 to A5 on 09.07.2015 and the said order is in force.

Having regard to the facts and circumstances of the case

and also in view of the orders dated 09.07.2015 passed by this Court, the Station House Officer, Rajendranagar Police Station, Cyberabad, is hereby directed not to arrest the petitioners/Accused Nos.1 to 5 till completion of investigation in Crime No.1226 of 2014.

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**  
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Date:10.12.2015

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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)