

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8985 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 3 in Crime No.2 of 2015 of Chaitanyapuri Police Station, Cyberabad, registered for the offence punishable under Sections 463, 464, 468, 471, 420 and 506 IPC.

The contention of the learned counsel for the petitioners is that the lis involved between the parties is purely civil in nature, therefore, it is a fit case to quash the proceedings. Learned Public Prosecutor on the other hand submitted that the petitioners herein cheated the first respondent, therefore, it is not a fit case to quash the proceedings.

A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the first respondent is the *de facto* complainant in Crime No.2 of 2015. The case of the petitioners is that the first respondent executed an agreement of sale on 24.03.2013 agreeing to sell an extent of Ac.3.00 cents in Survey No.487 of Jajireddygudem village, Aravapally Mandal of Nalgonda District for a consideration of Rs.9,00,000/- and paid an amount of Rs.3,00,000/- towards advance. As per the allegations made in the complaint, the petitioners herein have forged the signatures of first respondent and created the agreement of sale dated 24.03.2013. It is further alleged that the petitioners herein threatened the first respondent with dire consequences. Whether the petitioners have created alleged agreement of sale dated 24.03.2013 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 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***^[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.

A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners on 01.10.2015.

Having regard to the facts and circumstances of the case and also in view of the interim orders passed by this Court dated 01.10.2015, the Station House Officer, Chaitanyapuri Police Station, Cyberabad, is hereby directed not to arrest the petitioners/Accused Nos.1 to 3 till completion of investigation in Crime No.2 of 2015. The petitioners are hereby further directed to cooperate with the Investigating Officer.

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:09.12.2015

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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)