

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13162 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioners/A3 to A6 in Crime No.164 of 2015 on the file of the Station House Officer, Adoni II Town Police Station, Kurnool District registered for the offences punishable under Sections 420, 427, 447 and 506 read with 34 IPC.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are A3 to A6 and the second respondent is *de facto* complainant in Crime No.164 of 2015. As per the allegations made in the complaint, the petitioner Nos.1 and 4/A3 and A6 herein trespassed into the land of the second respondent, which is an extent of Ac.0.05 cents in survey No.444-B2, situated in Mandigiri of Adoni Mandal. It is further alleged that they along with A1 and A2 removed the boundary stones. The case of the second respondent – *de facto* complainant is that his mother purchased the property under registered sale deed dated 09.7.1997 from one P.Abdul Razak Khan. The case of the petitioners/A3 to A6 is that they have sold the land to A1 and one K.Indira, who is wife of A2, under two different sale deeds. The fact remains that the mother of second respondent filed O.S. No.264 of 2015 on the file of Senior Civil Judge Court, Adoni against all the accused in Crime No.164 of 2015, for declaration and other consequential reliefs.

4. 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.

5. 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. This court while dismissing Criminal Petition No.12618 of 2015 filed by A1 and A2 to quash the proceedings in Crime No.164 of 2015, directed the Station House Officer, Adoni II Town Police Station, not to arrest A1 and A2. Having regard to the facts and circumstances of the case and also in view of the order of this court dated 30.11.2015 in Crl.P. No.12618 of 2015, the Station House Officer, Adoni II Town Police Station is hereby directed not to arrest the petitioners/A3 to A6 till completion of the investigation in Crime No.164 of 2015.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 11, 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)

