

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9419 of 2015

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioner/A18 in Crime No.77 of 2015 on the file of the Station House Officer, Bathalapalle Police Station, Anantapur District, registered for the offences under Sections 120B, 464, 470, 472, 474, 475, 476, 420, 379 IPC and Section 25(1B) (b) of Arms Act, 1959.

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

3. The petitioner is A18 and second respondent is *de facto* complainant in Crime No.77 of 2015. As per the allegations made in the complaint, A1 prepared fake pattadar passbooks and handed over them to the petitioner, who in turn distributed the same to some of the villagers. It is further alleged that the petitioner helped A1 to prepare duplicate pattadar passbooks. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case and also the nature of employment of the petitioner, the Station House Officer, Bathalapalle Police Station is hereby directed not to arrest the petitioner/A18 till completion of the investigation in Crime No.77 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 30, 2015.

YS

[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)