

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12618 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners, who are A.1 and A.2 in Crime No.164 of 2015 of Adoni II Town Police Station, Kurnool District, registered for the offence punishable under Sections 420, 427, 447, 506 r/w 34 I.P.C.

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 accused Nos.1 and 2 and the second respondent is the *de facto* complainant in Crime No.164 of 2015.

4. As per the allegations made in the complaint, on 11.05.2015, the petitioners herein trespassed into the land of the 2nd 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 the petitioners herein removed the boundary stones.

5. The petitioners as well as the 2nd respondent claiming the same property as owners. The case of the 2nd respondent is that

her mother purchased an extent of Ac.0.05 cents in Survey No.444-B2, situated in Mandigiri of Adoni Mandal, under a registered sale deed dated 09.07.1997 from one P.Abdul Razak Khan. The case of the petitioners is that they have purchased the same property under a registered sale deed dated 24.11.2012. Who is in possession of the property as on 11.05.2015 will come to light during the course of investigation. The fact remains that the mother of the 2nd respondent filed a suit for declaration and other consequential reliefs.

6. 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.

7. Having regard to the facts and circumstances of the case and also the principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab** and **State of Haryana v. Bhajanlal**, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

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

9. Having regard to the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Adoni II Town Police Station, Kurnool District, not to arrest the petitioners, who are A.1 and A.2 in Crime No.164 of 2015 till completion of investigation.

10. With the above direction, the Criminal Petition is dismissed.

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

T.SUNIL CHOWDARY, J

Date:30.11.2015

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