

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8914 of 2015

ORDER:

-

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1, 3 and 4 in Crime No.40 of 2015 of Bobbili Police Station, Vizianagaram District, registered for the offence punishable under Sections 120-B, 447, 406, 427, 468, 470, 471, 463, 474 and 420 IPC.

Heard the learned counsel for the petitioner, second respondent and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioners are accused Nos.1, 3 and 4 and the second respondent is the *de facto* complainant in Crime No.40 of 2015. As per the allegations made in the complaint, the petitioners herein have purchased an extent of Ac.3.95 cents under different sale deeds and gift deed from the second respondent. It is further alleged that taking advantage of sale deeds and gift deed, the petitioners herein have executed sale deeds in favour of different persons to an extent of Ac.6.00 cents. The gist of the allegations made in the complaint is that the petitioners herein intentionally and wilfully cheated the second respondent.

The contention of the learned counsel for the petitioners is that the lis between the parties is purely civil in nature. The contention of the learned counsel for the second respondent is that the petitioners herein executed sale deeds with an ulterior motive to deceive the second respondent. Whether the lis involved in

between the parties is civil in nature 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 petitioner, 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**^[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.

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

Taking into consideration the facts and circumstances of the case, the Station House Officer, Bobbili Police Station, Vizianagaram District, is hereby directed not to arrest the petitioners/accused Nos.1, 3 and 4 in Crime No.40 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

-

T.SUNIL CHOWDARY, J

Date:17.12.2015

Rns

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

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

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

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