

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL PETITION No.11751 of 2015**

**ORDER:**

\_\_\_\_\_ This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.101 of 2015 of Bheemini Police Station, Adilabad District registered for the offences under Sections 417, 420, 506 and 290 read with 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.101 of 2015. Petitioner No.1 is the husband and petitioner No.2 is the son of late Pulluri Sugunavathi.

4. \_\_\_\_\_ As per the allegations made in the complaint, late Sugunavathi executed an agreement of sale in favour of the second respondent on 22.01.2014 agreeing to sell an extent of Ac.5.30 guntas of land situated at Venkatapur and Lingapur Villages of Bheemini Mandal. It is further alleged that the second respondent paid an amount of Rs.1,70,000/- to the petitioners on 22.01.2014. It is also alleged that the petitioners herein postponed the execution of sale deed in favour of the second respondent with an intention to cheat him. It is the case of the prosecution that the petitioners threatened the second respondent with dire consequences.

5. \_\_\_\_\_ Whether late Sugunavathi executed an agreement of sale in favour of the second respondent or not will come to light during the case of investigation only. 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.

6. 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**<sup>[1]</sup> and **State of Haryana v. Bhajanlal**<sup>[2]</sup>, I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

7. 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.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**<sup>[3]</sup>, the Station House Officer, Bheemini Police Station, Adilabad District is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C. in Crime No.101 of 2015 so far as the petitioners/A.1 and A.2 are concerned.

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

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

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**T.SUNIL CHOWDARY, J**

Date: 16.11.2015

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<sup>[1]</sup> AIR 1960 SC 866

<sup>[2]</sup> AIR 1992 SC 604

<sup>[3]</sup> 2014 (8) SCALE 250