

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.12705 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.3 in Crime No.143 of 2015 of Jaipur Police Station, Adilabad District registered for the offences under Sections 420, 466, 471 and 120B read with 34 I.P.C., and Sections 4 and 5 of the A.P. Land Grabbing (Prohibition) Act, 1982.

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

3. A perusal of the record reveals that the petitioner is accused No.3 and respondent Nos.3 and 4 are the *de facto* complainants in Crime No.143 of 2015.

4. As per the allegations made in the complaint, the petitioner issued pattadar passbooks and title deeds in the year 2004 with an ulterior motive to defeat the legal rights of respondent Nos.3 and 4. The gist of the allegations made in the complaint is that the petitioner along with others cheated respondent Nos.3 and 4.

5. 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** 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.

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

8. Taking into consideration the facts and circumstances of the case, the Station House Officer, Jaipur Police Station, Adilabad District, is hereby directed not to arrest the petitioner/A.3 in Crime No.143 of 2015 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 02.12.2015

lvd