

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9916 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 to A.4 in Crime No.586 of 2015 of Hayathnagar Police Station, Cyberabad registered for the offences under Section 3 (1) (viii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 120B of I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.2 to 4 and the second respondent is the *de facto* complainant in Crime No.586 of 2015.

4. As per the allegations made in the complaint, the petitioners made an attempt to grab the property in Survey No.273 of Turkayamjal Village, Hayathnagar Mandal, Ranga Reddy District, which belongs to the second respondent. It is further alleged that the petitioners herein creating an impression as if the land in question is situated in Survey No.274.

5. Whether the petitioners made an attempt to grab the property in question or not will come to light during the course of investigation only. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings. 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. A perusal of the record reveals that this Court granted interim stay of arrest of the petitioners on 13.10.2015.

8. Taking into consideration the facts and circumstances of the case and also the earlier orders of this Court dated 13.10.2015, the Station House Officer, Hayathnagar Police Station, Cyberabad, is hereby directed not to arrest the petitioners/A.2 to A.4 in Crime No.586 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: 01.12.2015

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