

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3044 of 2015

ORDER:

This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioner/A2 in Crime No.451 of 2014 of Mancherial Police Station, Adilabad District, registered for the offences under Sections 420 and 506 IPC.

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

A perusal of the record reveals that the petitioner is A2 and first respondent is *de facto* complainant in Crime No.451 of 2014. As per the allegations made in the complaint, one Md. Yahiya (A1), without any right whatsoever, sold the property to the petitioner and 7 others. The defacto complainant claims that the property belongs to him. This is not the stage to decide who is the owner of the property of an extent of 688 Square yards (Acs.0.06 guntas) in survey No.208 of Mancherial.

The court has to take into consideration the allegations made in the complaint only while deciding the petition under Section 482 Cr.P.C. The court is not justified in embarking upon an enquiry to ascertain reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed 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** and **State of Haryana v Bhajan Lal**, I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

Learned counsel for the petitioner submitted that the concerned Police may be directed not to arrest the petitioner till completion of investigation. In view of the principle enunciated by the Hon'ble Apex Court in **Arnesh Kumar v State of Bihar**, the Station House Officer, Mancherial P.S., is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.451 of 2014 so far as the petitioner/A2 is concerned.

With the above direction, the criminal petition is dismissed. Miscellaneous

petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

April 06, 2015.

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