

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.14009 of 2015

ORDER:

This criminal petition is filed under Section 482 of Cr.PC to quash the proceedings against the petitioners/A4, A9 and A10 in Crime No.431 of 2015 on the file of the Station House Officer, Pedakakani Police Station, Guntur Urban, registered for the offences under Sections 420, 467, 468, 323 and 506 read with 34 IPC.

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

3. The petitioners are A4, A9 and A10 and second respondent is *de facto* complainant in Crime No.431 of 2015. As per the allegations made in the complaint, the petitioners herein along with others created false documents in respect of the land belongs to the second respondent. It is further alleged that on 12.12.2015 at 12.30 PM, the petitioners along with others trespassed into the land of the second respondent and threatened him with dire consequences. A perusal of the record reveals that civil suits are pending between the parties. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

5. 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.

6. The learned counsel for the petitioners submitted that the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Pedakakani Police Station is hereby directed not to arrest the petitioners/A4, A9 and A10 till completion of the investigation in Crime No.431 of 2015.

7. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J.

December 30, 2015.

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

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

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

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