

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.10291 of 2015

ORDER:

_____ This petition is filed under Section 482 of Cr.P.C., to quash the proceedings against the petitioners/A1 and A2 in Crime No.214 of 2015 of Metpalli Police Station, registered for the offences under Sections 447 and 427 IPC.

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

3. A perusal of the record reveals that the petitioners are A1 and A2 and second respondent is *de facto* complainant in Crime No.214 of 2015. As per the allegations made in the complaint, the second respondent is the owner of an extent of Ac.1.00 of land in survey No.268 of Venkatarao pet village. It is further alleged that on 06.9.2015 at about 06.00 PM., the petitioners herein along with others entered into the land of the second respondent with an intention to make construction of petrol bunk without any right whatsoever.

4. While exercising inherent jurisdiction 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 to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. Suffice it to say that the court shall not interfere with the investigation more particularly at the initial stage. A perusal of the 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.

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 during the pendency of the investigation. Taking into consideration the nature of the allegations made in the complaint and also the principle enunciated in **Arnesh Kumar v State of Bihar**^[5], the Station House Officer, Metpally Police Station, is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C., in Crime No.214 of 2015 so far as the petitioners/A1 and A2 are concerned.

7. 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

November 02, 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)

^[5] (2014) 8 SCS 273