

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3453 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.191 of 2014 of Uppal Police Station, Cyberabad registered for the offences under Sections 420, 406 and 418 read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioner is accused No.2 and the second respondent is the *de facto* complainant in Crime No.191 of 2014.

4. As per the allegations made in the complaint, A.1 entered into an agreement with the second respondent on 21.11.2012 agreeing to sell an extent of 400 square yards in Survey No.796, Plot Nos.34 and 35 situated at Uppal, Ranga Reddy District. It is further alleged that the petitioner with a *mala fide* intention purchased the property from A.1 under registered sale deed dated 10.06.2013.

5. A perusal of the record reveals that civil suits are pending between the parties.

6. Whether the petitioner has purchased the property without knowledge of the agreement of sale or not will come to light during the course of investigation. While deciding the petition 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.

7. 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.

8. 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.

9. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Uppal Police Station, Cyberabad is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.191 of 2014 so far as the petitioner/A.2 is concerned.

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

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

T.SUNIL CHOWDARY, J

Date: 27.04.2015

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