

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13565 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused No.1 in Crime No.6 of 2015 of Yetapaka Police Station, East Godavari District registered for the offences punishable under Sections 420, 468 and 471 read with 34 IPC.

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

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.6 of 2015. As per the allegations made in the complaint, originally the property in dispute belongs to one Vutukuri Narasimha Rao, who bequeathed the property to Goodsamaritan Evangelical Lutheran Church, Bhadrachalam, by way of Will dated 17.11.2011. The petitioner and others, with an intention to knock away the property of the Church, created Will dated 12.5.2010, after death of Narasimha Rao. Whether the petitioner and others have created Will dated 12.5.2010 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Yetapaka Police Station, is hereby directed not to arrest the petitioner/accused No.1 till completion of the investigation in Crime No.6 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 18, 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)