

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9608 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C seeking to quash the proceedings against the petitioner/accused No.2 in Cr.No.145 of 2015 on the file of B.K.Samudram Police Station, registered for the offences punishable under Sections 420, 467, 468, 471 and 474 r/w 34 of IPC.

2 Heard the learned counsel for the petitioner, learned counsel for the 2nd respondent and the learned Additional Public Prosecutor representing the State.

3 A perusal of the record reveals that the petitioner is the second accused and the 2nd respondent is the de-facto complainant in Cr.No.145 of 2015 of B.K.Samudram Police Station. The contention of the 2nd respondent is that he is the owner of an extent of Ac.1.00 of land in Sy.No.76-4 of B.K.Samudram village. The contention of the petitioner is that he purchased an extent of Ac.1-00 of land in Sy.No.76-4 of B.K.Samudram village from Khadi Grameena Parisramala Sangham for a valuable consideration of Rs.8.00 lakhs under a registered sale deed dated 30.07.2012.

4 Who is the owner of the property to an extent of Ac.1-00 in Sy.No.76-4 of B.K.Samudram village will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. 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 on hand and also the principle laid down in **R.P.Kapoor v. State of Punjab, State of Haryana v. Bhajan Lal, V.Y.Jose v State of Gurajat** and **Teeja Devi v State of Rajasthan**, I am of the considered view that this is not a fit case to quash the proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer,

B.K.Samudram Police Station may be directed not to arrest the petitioner/Accused No.2 pending investigation in the crime.

7 On 22.09.2015 this Court granted interim stay of arrest of the petitioner/A.2 in Cr.No.145 of 2015 on the file of B.K.Samudram Police Station. Having regard to the facts and circumstances of the case and also in view of the orders passed by this Court on 22.09.2015, the Station House Officer, B.K.Samudram Police Station, is hereby directed not to arrest the petitioners who is accused No.2 in Cr.No.145 of 2015 till completion of investigation.

9 Accordingly, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 26th November, 2015

Kvsn