

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2485 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.742 of 2014 of Mailardevpally Police Station, Cyberabad registered for the offences under Sections 420, 468 and 471 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 the sole accused and the second respondent is the *de facto* complainant in Crime No.742 of 2014.

4. As per the allegations made in the complaint, the wife of the second respondent by name Smt. K.Vanaja purchased a plot bearing No.373 Block-B in Survey No.134/20 admeasuring 297.5 square yards at Shastripuram, Mailardevpally through notarized agreement of sale dated 05.11.1987 from K.Chandra Reddy. It is further alleged that the petitioner with the help of others created a forged agreement of sale with an intention to cheat the second respondent.

5. A perusal of the record reveals that civil litigation is pending between the parties. If this Court expresses any opinion at this point of time, the same may cause prejudice to either of the parties to the proceedings. 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.

6. 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.

7. 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.

8. In view of the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**, the Station House Officer, Mailardevpally Police Station, Cyberabad is hereby directed to follow the procedure as contemplated under Section 41A Cr.P.C in Crime No.742 of 2014 so far as the petitioner/accused is concerned.

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

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

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T.SUNIL CHOWDARY, J

Date: 10.04.2015

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