

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9528 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioners/A1 to A9 in Crime No.44 of 2015 of Kamatipura Police Station, Hyderabad for the offences punishable under Section 415 IPC and Section 3(1)(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioners, Sri E.Poornachander Rao, learned counsel for the second respondent and learned Public Prosecutor representing the State.

3. The petitioners are A1 to A9 and second respondent is *de facto* complainant in Crime No.44 of 2015. As per the allegations made in the complaint, the petitioners made an attempt to encroach the property of the second respondent, who belongs to a scheduled caste. It is further alleged that the petitioners have created false documents with an ulterior motive to deprive the rights of the second respondent in respect of the property. Whether the petitioners have attempted to encroach the property of the second respondent by creating false documents or not will come to light during the course of investigation.

4. It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent power under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation.

The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offences much less the offences alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

5. I have carefully perused the allegations made in the complaint in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on 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.

6. 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.

7. 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 investigation. In view of the orders of this court dated 28.9.2015, the Station House Officer,

Kamatipura Police Station, Hyderabad, is hereby directed not to arrest the petitioners/A1 to A9 till completion of the investigation. The petitioners/A1 to A9 are hereby directed to cooperative with the Investigating Officer for completion of the investigation.

8. With the above directions, the criminal petition is dismissed. Miscellaneous petitions, if any pending in the criminal petition, shall stand closed.

T.SUNIL CHOWDARY, J

November 19, 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)