

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13592 OF 2015

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioner/A.2 in Cr.No.177 of 2015 on the file of Kharkhana Police Station, Hyderabad, registered for the offences punishable under Sections 406, 468, 467, 471, 420 and 506 r/w 34 of IPC.

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

3 The petitioner is the 2nd accused and the second respondent is the de-facto complainant in Cr.No.177 of 2015 on the file of Kharkhana Police Station. As per the allegations made in the complaint, the petitioner and another have forged the signature of the mother of the 2nd respondent and created an agreement of sale dated 12.03.2008. It is further alleged that the petitioner and another have created the alleged agreement of sale with an ulterior motive to cause loss to the 2nd respondent. It is further alleged that the petitioner and another have threatened the 2nd respondent with dire consequences.

4 A perusal of the record reveals that the petitioner and another filed O.S.No.899 of 2015 on the file of the District Court, Ranga Reddy District against the 2nd respondent and others for specific performance. The contention of the learned counsel for the petitioner is that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioner. 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. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

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**^[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 proceedings at this stage.

6 The learned counsel for the petitioner submitted that the Station House Officer, Kharkhana Police Station, may be directed not to arrest the petitioners pending investigation in the crime.

7 Having regard to the facts and circumstances of the case, the Station House Officer, Kharkhana Police Station, is hereby directed not to arrest the petitioner herein in Cr.No.177 of 2015 on his file, till completion of the investigation.

8 With the above direction, 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: 18th December, 2015

Kvsn

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)