

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

CRIMINAL PETITION No.9214 of 2015

**ORDER:**

This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner/accused in Crime No.283 of 2015 of Abid Road Police Station, Hyderabad registered for the offences punishable under Sections 406, 420 and 448 IPC.

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

3. The petitioner is sole accused and second respondent is *de facto* complainant in Crime No.283 of 2015. As per the allegations made in the complaint, on 26.8.2015 the petitioner has trespassed into the property of the Housing Board and started constructing compound wall without any right whatsoever. A perusal of record reveals that a civil suit is pending between the parties. Whether the petitioner has trespassed into the land of Housing Board 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 offence much less the offences alleged to have been committed by the petitioner, 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**, **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 criminal proceedings at the threshold.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner/accused during the pendency of the investigation. In view of the orders of this court dated 16.9.2015, the Station House Officer, Abid Road Police Station, Hyderabad, is hereby directed not to arrest the petitioner/accused in connection with Crime No.283 of 2015 till completion of the investigation.

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

---

**T.SUNIL CHOWDARY, J**

November 24, 2015.

YS