

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8871 of 2010

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioners/A-4 and A-5 in Crime No.82 of 2010 on the file of Valigonda Police Station, Nalgonda District, registered for the offence punishable under Sections 406, 420 and 109 IPC.

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Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioners are A-4 and A-5 and the second respondent is *de facto* complainant in Crime No.82 of 2010. As per the allegations made in the complaint, A-1 to A-3 executed an agreement of sale in favour of the second respondent agreeing to sell dry land admeasuring Ac.14.12 guntas in Survey Nos.129, 130 and 131 situated at Aroor village, Valigonda Mandal, Nalgonda District for a total consideration of Rs.30,03,0000/-, out of which the second respondent paid an amount of Rs.10,00,000/- to A-1 to A-3 towards advance. It is further alleged that A-1 to A-3 have executed two registered sale deeds dated 25-01-2010 in favour of the petitioners/A-4 and A-5 with an ulterior motive to cheat the second respondent. The contention of the learned counsel for the petitioners is that the second respondent had converted a civil litigation into criminal litigation in order to bring pressure on A-1 to A-3. He further submits that the petitioners herein have purchased the property without the knowledge of the alleged agreement of sale dated 20-04-2009. Whether the petitioners have purchased the property without the knowledge of the alleged agreement of sale or not will come to light during the course of investigation. If

this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction 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 offence 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.

I have carefully perused the material available on record 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.

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 Gujarat***^[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.

The learned counsel for the petitioner submitted that the

concerned Station House Officer may be directed not to arrest the petitioners till completion of investigation.

Having regard to the facts and circumstances of the case, the Station House Officer, Valigonda Police Station, Nalgonda District, is hereby directed not to arrest the petitioners/A-4 and A-5 in Crime No.82 of 2010 till completion of investigation.

With the above direction, the Criminal Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19-02-2016

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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)