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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1354 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.8 in Crime No.41 of 2016 on the file of the Station House Officer, Chebrole Police Station, West Godavari District, registered for the offences under Sections 147 and 353 read with 149 I.P.C.

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

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 8 and the second respondent is the *de facto* complainant in Crime No.41 of 2016.

4. As per the allegations made in the complaint, the Government is owning an extent of Ac.4.29 cents of land in R.S.No.453/6 of Gollagudem Village, Unguturu Mandal, West Godavari District. It is further alleged that on 24.01.2016, the petitioners obstructed the Government officials from erecting flags and flexis in the said land and they encroached the same.

5. The contention of the learned counsel for the petitioners is that the petitioners have filed O.S.No.19 of 2016 on the file of the Court of the Principal Junior Civil Judge, Tadepalligudem against the Revenue officials.

6. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. While exercising the inherent power 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.

7. 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.

8. The learned counsel for the petitioners submitted that concerned Station House Officer may be directed not to arrest the petitioners till completion of the investigation.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Chebrole Police Station, West Godavari District, not to arrest the petitioners/A.1 to A.8 in Crime No.41 of 2016 till completion of the investigation.

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

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

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T.SUNIL CHOWDARY, J

Date: 08.02.2016

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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)