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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4289 of 2010

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.87 of 2010 on the file of the Station House Officer, Madanapalle Taluq Police Station, Chittoor District, registered for the offences under Sections 447, 427 and 379 read with 34 I.P.C.

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

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.87 of 2010.

4. As per the allegations made in the complaint, the second respondent is the owner of an extent of Ac.1.01 cent of land in Survey Nos.192/1 and 193/2 of Kothapalle Panchayat, Madanapalle Mandal. It is further alleged that on 24.04.2010, the petitioner along with others trespassed into the land of the second respondent and removed the boundary stones.

5. The contention of the learned counsel for the petitioner is that the second respondent converted the civil litigation into criminal.

6. A perusal of the record reveals that the petitioner filed A.T.C.No.1 of 2010 on the file of the Court of the Principal Junior Civil Judge-cum-Tenancy Tribunal, Madanapalle, against the second respondent and others. It is an admitted fact that civil dispute is pending between the parties. 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. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation.

7. 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.

8. 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.

9. A perusal of the record reveals that this Court granted interim stay on 12.05.2010.

10. Taking into consideration the facts and circumstances of the case and also the interim order of this Court dated 12.05.2010, the Station House Officer, Madanapalle Taluq Police Station, Chittoor District, is hereby directed not to arrest the petitioner/A.1 in Crime No.87 of 2010 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 17.02.2016

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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)