

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

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CRIMINAL PETITION No.3746 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C., to quash the proceedings against the petitioner-A1 in Crime No.63 of 2016 on the file of the Station House Officer, Medchal Police Station, Cyderabad, registered for the offences punishable under Sections 406, 420, 419, 468, 471 and 120-B IPC.

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

3. A perusal of the record reveals that the petitioner is A1 and the second respondent is *de facto* complainant in Crime No.63 of 2016. As per the allegations made in the complaint, the 2nd respondent herein purchased 5 plots vide B.No.69,160,161,162 and 205 at Dommara Pochampally village, Medchal Mandal, R.R. District, through the petitioner herein. The husband of the 2nd respondent died on 22-08-2003. It is further alleged that the petitioner had taken original sale deeds in the year 2011 stating that the said documents are required for ULC clearance. Recently, the 2nd respondent herein came to know that the petitioner with the help of others sold away plot Nos. 160,161 and 162 to the third parties by forging her signature. The gist of the allegation made in the complaint is that the petitioner created false documents and cheated the 2nd respondent.

4. The contention of the learned counsel for the petitioner is that the 2nd respondent foisted a false case against the petitioner. 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.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while

exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie* sufficient to investigate into the matter.

6. 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Medchal Police Station, Cyderabad, is hereby directed not to arrest the petitioner-A1 till completion of investigation in Crime No.63 of 2016.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 18.03.2016.

Hsd

^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)