

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6843 of 2015

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused No.1 in Crime No.1460 of 2014 on the file of Station House Officer, Banjara Hills Police Station, Hyderabad, registered under Sections 452, 406, 420 and 506 IPC read with 34 IPC.

Heard Sri P.Nagendra Reddy, learned counsel for the petitioner, Sri N.Siva Reddy, learned counsel for the second respondent and the learned Public Prosecutor representing the State.

The contention of the learned counsel for the petitioner is that the lis involved between the parties is purely civil in nature without any criminality, therefore, it is a fit case to quash the proceedings. The contention of the learned counsel for the second respondent is that whether there is any element of criminality or not will come to light during the course of investigation. Learned Public Prosecutor submitted that this is not the stage to go into the merits of the main case.

A perusal of the record reveals that the petitioner is the first accused and the second respondent is the *de facto* complainant. As per the allegations made in the complaint, the second respondent entered into an agreement with the petitioner in the month of March 2014 to purchase an extent of Ac.5.00 cents of land in Survey No.61/5, 62pl, 64/3, 64/4, 65/pl and 65/3 situated at Borlai village, Umergaon Taluk, Valsad District, in the State of Gujarat for establishment of pharmaceutical unit. In pursuance of

the agreement, the second respondent paid an amount of Rs.4.55 crores to the petitioner and the petitioner also acknowledged the same by giving hand letter. However, the petitioner is postponing the execution of the sale deed in favour of the second respondent. On enquiry, the second respondent came to know that the petitioner is not having any land. The gist of the allegations made in the complaint is that the petitioner intentionally cheated the second respondent. It is further alleged that the petitioner herein threatened the second respondent with dire consequences. Whether the petitioner/Accused No.1 is having a vacant land in the State of Gujarat or not will come to light during the course of investigation. Likewise, whether the second respondent paid any amount to the petitioner or not also will come to light during the course of investigation.

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

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

Having regard to the facts and circumstances of the case, the Station House Officer, Banjara Hills Police Station, Hyderabad, is hereby directed not to arrest the petitioner/accused No.1 in Crime No.1460 of 2014 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:05.01.2016

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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)