

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9519 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 and A.2 in Crime No.201 of 2016 on the file of the Station House Officer, Subedari Police Station, Warangal District, registered for the offences under Sections 143, 147, 448, 290, 323, 506 and 384 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 and 2 and 5 and the first respondent is the *de facto* complainant in Crime No.201 of 2016.

4. As per the allegations made in the complaint, on 24.05.2016, the petitioners herein along with their followers entered into the house of the first respondent and directed him to execute a sale deed in favour of petitioner No.2. It is further alleged that the petitioners have obtained the signatures of the first respondent on a white paper with an ulterior motive to knock away the property of the first respondent.

5. The contention of the learned counsel for the petitioners is that the allegations made in the complaint do not constitute any offence much less the offences alleged to have been committed by the petitioners.

6. A perusal of the record reveals that petitioner No.2 filed O.S.No.30 of 2010 on the file of the Court of the Junior Civil Judge, Jangaon against the first respondent for specific performance of the agreement of sale. A perusal of the record further reveals that the first respondent lodged the complaint to the police one month after the alleged incident. Mere delay in lodging the complaint by itself is not a

valid ground to quash the proceedings.

7. Whether the /is involved between the parties is purely civil in nature 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.

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

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Subedari Police Station, Warangal District, not to arrest the petitioners/A.1 and A.2 in Crime No.201 of 2016 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.

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T.SUNIL CHOWDARY, J

Date: 01.07.2016

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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)