

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1760 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.1 in Crime No.165 of 2015 on the file of the Station House Officer, Podili Police Station, Prakasam District, registered for the offence under Section 420 read with 34 I.P.C.

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 accused No.1 and the first respondent is the *de facto* complainant in Crime No.165 of 2015.

4. As per the allegations made in the complaint, the petitioner executed an agreement of sale dated 19.09.2012 in favour of the first respondent agreeing to sell an extent of Ac.22.33 cents of land in R.S.No.2 of Pamulapadu Village of Podili Mandal, Prakasam District for a total consideration of Rs.51,36,040/-. It is further alleged that the first respondent paid an amount of Rs.23,00,000/- on different dates to the petitioner. It is also alleged that the petitioner executed a sale deed in favour of third parties on 04.03.2013. The gist of the allegations made in the complaint is that the petitioner has cheated the first respondent.

5. A perusal of the record reveals that the first respondent filed O.S.No.213 of 2013 against the petitioner for specific performance.

6. Whether the petitioner has committed the alleged offence 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 petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner 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, Podili Police Station, Prakasam District, not to arrest the petitioner/A.1 in Crime No.165 of 2015 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: 12.02.2016

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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)