

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.11386 OF 2010

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the proceedings against the petitioners/Accused Nos.1 to 3 in Cr.No.125 of 2010 on the file of Station House Officer, Thullur Police Station, Guntur District registered for the offences punishable under Sections 452, 420 and 506 r/w 34 of IPC.

2 The contention of the learned counsel for the petitioners is that the second respondent converted civil case into criminal case to take vengeance against the petitioners. He further submitted that the allegations made in the complaint do not constitute any offence, much less the offences alleged to have been committed by the petitioners.

3 On the other hand, the learned Additional Public Prosecutor submitted that it is not a fit case to quash the proceedings against the petitioners at this stage by going into the merits of the main case.

4 As per the allegations made in the complaint, on 03.10.2007 the petitioners trespassed into the house of the second respondent and bet her with hands and legs. It is further alleged that the second respondent executed a sale deed in favour of the third petitioner on 13.09.2007 due to the pressure of the petitioners. It is further alleged that the petitioners promised to pay Rs.87,450/- to the second respondent within twenty days from 13.09.2007 but failed to pay the same.

5 Whether the petitioners have promised to pay the amount to the second respondent or not will come to light during the course of investigation only. Similarly whether the petitioners have committed the offence under section 420 of IPC or not also will come to light during the course of investigation only. While disposing of the petition filed under Section 482 Cr.P.C, the Court has to take into

consideration the allegations made in the complaint. The Court is not justified in embarking upon an enquiry to ascertain the truthfulness or otherwise of the allegations made in the complaint. The very purpose of investigation is to ascertain the truthfulness or otherwise of the allegations made in the complaint. If this Court expresses any opinion during the pendency of investigation, the same may cause prejudice to one of the parties to the proceedings. The allegations made in the complaint are, *prima facie*, sufficient to investigate into the matter.

5 Having regard to the facts and circumstances of the case on hand and also the principle laid down 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 proceedings at this stage.

6 The learned counsel for the petitioners submitted that the Station House Officer, Thullur Police Station, Guntur District may be directed not to arrest the petitioners pending investigation in the crime.

7 On 16.11.2010 this Court granted interim stay in the above crime and the same has been in force till today.

8 Having regard to the fact that the interim order granted by this Court on 16.11.2010 is in force as on today, the Station House Officer, Thullur Police Station, Guntur District is hereby directed not to arrest the petitioners/accused Nos.1 to 3 in Cr.No.125 of 2010 on his file, till completion of the investigation.

8 With the above direction, this criminal petition is dismissed. As a sequel, miscellaneous petitions, pending if any in this Criminal Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 25th February, 2016
Kvsn

[\[1\]](#) AIR 1960 SC 866
[\[2\]](#) AIR 1992 SC 604
[\[3\]](#) (2009) 3 SCC 78
[\[4\]](#) 2015 (1) ACR 564 (SC)