THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.632 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.1 to A.4 in Crime No.274 of 2015 on the file of the Station House Officer, Yadagirigutta Police Station, Nalgonda District, registered for the offences under Sections 447, 427, 506 and 504 read with 34 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 to 4 and the second respondent is the *de facto* complainant in Crime No.274 of 2015.

4. As per the allegations made in the complaint, the second respondent is the owner of an extent of Ac.1.00 guntas of land in Survey No.193/A situated at Datharpally Village, Yadagirigutta Mandal, Nalgonda District. It is further alleged that the petitioners trespassed into the land of the second respondent without any right whatsoever. It is also alleged that the petitioners threatened the second respondent with dire consequences.

5. The contention of the learned counsel for the petitioners is that the petitioners have been in possession and enjoyment of the property in dispute by virtue of the orders passed in E.A.No.87 of 2008 in E.P.No.2 of 2008 in O.S.No.132 of 2007.

6. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only. 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 principles enunciated by the Supreme Court in **R.P.Kapoor v. State of Punjab**[1] and **State of Haryana v. Bhajanlal**[2], I am of the considered view that it is not a fit case to quash the proceedings at the initial stage of the investigation.

8. 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.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Yadagirigutta Police Station, Nalgonda District, not to arrest the petitioners/A.1 to A.4 in Crime No.274 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.

T.SUNIL CHOWDARY, J

Date: 22.01.2016
lvd

[1] AIR 1960 SC 866
[2] AIR 1992 SC 604