

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1451 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.4 to A.7 in Crime No.153 of 2015 on the file of the Station House Officer, Trimulgherry Police Station, Hyderabad, registered for the offences under Sections 417, 418, 423, 441, 447, 464 and 120B 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.4 to 7 and respondent Nos.2 to 4 are the complainants in Crime No.153 of 2015.

4. As per the allegations made in the complaint, the petitioners along with others created forged documents and sold the property with an ulterior motive to cheat respondent Nos.2 to 4.

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

6. A perusal of the record reveals that on 24.01.1997, accused Nos.1 to 3 have purchased the property in question from M/s. Bhagyalakshmi Co-operative Housing Society Limited and the petitioners in turn purchased the same from accused Nos.1 to 3 under registered sale deeds in the year 2004.

7. The predominant contention of the learned counsel for the petitioners is that the petitioners are *bona fide* purchasers for a valuable consideration. If this Court expresses any opinion at this point of time, the same may cause prejudice to one of the parties to the

proceedings. Whether the petitioners have cheated respondent Nos.2 to 4 or not will come to light during the course of investigation.

8. 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.

9. 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.

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

11. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Trimulgherry Police Station, Hyderabad, not to arrest the petitioners/A.4 to A.7 in Crime No.153 of 2015 till completion of the investigation.

12. With the above direction, the Criminal Petition is dismissed.

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

Date: 09.02.2016

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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)