

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1552 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A1 in Crime No.790 of 2015 on the file of Station House Officer, Kushaiguda Police Station, Cyberabad, Ranga Reddy District, registered for the offences under Sections 198, 468, 471, 474 and 420 IPC.

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 *de facto* complainant in Crime No.790 of 2015. As per the allegations made in the complaint, the petitioner in collusion with accused Nos.2 and 3 purchased the land in the year 2002 and constructed the apartments therein. It is further alleged that the petitioner herein along with the government officials created false documents with an ulterior motive to deceive the 2nd respondent.

4. The learned counsel for the petitioner submitted that the petitioner herein along with first respondent filed W.P.No.9262 of 2002 and the said petition was withdrawn on 31.12.2002. The learned counsel for the petitioner further submitted that the 2nd respondent has been filing civil and criminal cases against the petitioner and others with an intention to harass them. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

5. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie*

sufficient to investigate into the matter.

6. 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.

7. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Kushaiguda Police Station, Cyberabad, Ranga Reddy District, is hereby directed not to arrest the petitioner/A1 till completion of investigation in Crime No.790 of 2015.

8. With the above direction, criminal petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

10 February, 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)