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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1003 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.4 and A.1 in Crime No.316 of 2015 on the file of the Station House Officer, Kurnool II Town Police Station, Kurnool District, registered for the offences under Sections 420, 465 and 471 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 and 1 and the second respondent is the *de facto* complainant in Crime No.316 of 2015. It further reveals that one R.Narasimhaiah is having two wives. Petitioner No.1 is the son of the first wife and the second respondent is the son of the second wife of R.Narasimhaiah.

4. As per the allegations made in the complaint, the petitioners along with others have misappropriated the family properties by creating false documents. It is further alleged that the petitioners have created false documents with an ulterior motive to cheat the second respondent.

5. A perusal of the record reveals that the second respondent and others have filed O.S.No.90 of 2014 on the file of the Court of the Principal District Judge, Kurnool for partition against the petitioners and others.

6. Learned counsel for the petitioners submitted that the *lis* involved between the parties is purely civil in nature without any element of criminality.

7. 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.

8. 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.

9. 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.

10. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Kurnool II Town Police Station, Kurnool District, not to arrest the petitioners/A.4 and A.1 in Crime No.316 of 2015 till completion of the investigation.

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

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

T.SUNIL CHOWDARY, J

Date: 01.02.2016

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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)