

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1225 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A.2 in Crime No.99 of 2015 on the file of the Station House Officer, Andra Police Station, Vizianagaram District, registered for the offences under Sections 468 and 471 read with 34 I.P.C. and Section 3 (1) (ix) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

A perusal of the record reveals that the petitioner is accused No.2 and the second respondent is the *de facto* complainant in Crime No.99 of 2015. As per the allegations made in the complaint, the petitioner along with others forged the signatures of the second respondent and used the same in Mandal Praja Parishad meetings. It is further alleged that the petitioner created false documents as he belongs to schedule tribe. Whether the petitioner has forged the signatures of the second respondent or not will come to light during the course of investigation. The petitioner is the in-charge M.P.D.O. for MPDO Office of Mentada and the second respondent is the President of Mentada Mandal Praja Parishad, Vizianagaram. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings.

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.

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.

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

Taking into consideration the facts and circumstances of the case, the Station House Officer, Andra Police Station, Vizianagaram District, is hereby directed not to arrest the petitioner/A.2 in Crime No.99 of 2015 till completion of investigation.

With the above direction, the Criminal Petition is dismissed.

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

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T.SUNIL CHOWDARY, J

Date:04.02.2016

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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)