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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1366 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A.2 and A.3 in Crime No.263 of 2015 on the file of the Station House Officer, Thulluru Police Station, Guntur District, registered for the offences under Sections 419, 420, 467, 468 and 471 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.2 and 3 and the second respondent is the *de facto* complainant in Crime No.263 of 2015.

4. As per the allegations made in the complaint, the second respondent company purchased an extent of Ac.1.54 cents in Survey No.293 of Ananthavaram Village of Thulluru Mandal for a consideration of Rs.54,000/- on 06.11.2001 from Sanam Yesuratnam and others. It is further alleged that petitioner No.1 purchased the property covered under the sale deed dated 06.11.2011 by creating a false General Power of Attorney (G.P.A.). It is also alleged that petitioner No.1 executed a gift deed in favour of petitioner No.2, who is none other than his wife, with an ulterior motive. The gist of the allegations made in the complaint is that the petitioners have created the false G.P.A. with an ulterior motive to cheat the second respondent.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. 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.

6. 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 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.

8. 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.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Thulluru Police Station, Guntur District, not to arrest the petitioners/A.2 and A.3 in Crime No.263 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.

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T.SUNIL CHOWDARY, J

Date: 08.02.2016

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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)