

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.551 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/A4 in Crime No.592 of 2015 on the file of Station House Officer, Ramachandrapuram Police Station, Medak District, registered for the offence punishable under Sections 120B, 181, 193, 406, 420, 448 and 506 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 A4.

As per the allegations made in the complaint, the petitioner herein along with A1 to A3 entered into the land of the *de facto* complainant in Survey No.23 to an extent of Ac.4.24 guntas situated at Osman Nagar, Ramachandrapuram, Medak District. It is further alleged that the petitioner herein conspired together to knock away the property of the *de facto* complainant. It is further alleged that the petitioner threatened the *de facto* complainant with dire consequences. A perusal of the record reveals that civil suits are pending between the parties. A perusal of the record further reveals that the parties have approached the concerned revenue authorities for the purpose of mutation and making necessary entries in the revenue records. Whether the petitioner has committed the alleged offences or not will come to light during the course of investigation only.

4. 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.

5. 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.

6. 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, Ramachandrapuram Police Station, Medak District, is hereby directed not to arrest the petitioner/A4 till completion of investigation in Crime No.592 of 2015.

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

T.SUNIL CHOWDARY, J

Date: 21.1.2016

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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)