

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1039 of 2016

ORDER:

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This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 4 in Crime No.320 of 2015 on the file of Station House Officer, Bethamcherla Police Station, Kurnool District, registered under Sections 447, 427 and 506 IPC read with 34 IPC.

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

A perusal of the record reveals that the petitioners are accused Nos.1 to 4 and the second respondent is the *de facto* complainant in Crime No.320 of 2015. As per the allegations made in the complaint, the second respondent started a stone polishing unit in Survey No.22/B2 of Bugganapalli village Bethamcherla Mandal. It is further alleged that the petitioner herein trespassed into the land of the second respondent on 16.10.2015 and removed the pipe line and threatened the second respondent with dire consequences. A perusal of the record further reveals that the petitioners herein are also having Ac.0.40 cents in Survey No.23/A2 of Bugganipalli village of Bethamcherla Mandal. A perusal of the record reveals that the second respondent herein filed O.S.No.547 of 2014 against the daughter of the first and second petitioners seeking perpetual injunction. Learned counsel for the petitioners submitted that the second respondent converted the civil litigation into criminal one with an ulterior motive to harass the petitioners. Whether the petitioners have removed the pipe line or not will come to light during the course of investigation.

It is needless to say that the court has to take into consideration the allegations made in the complaint while exercising inherent jurisdiction under Section 482 Cr.P.C., in order to quash the criminal proceedings at the initial stage of investigation. The court is not justified in embarking upon an enquiry to ascertain the truthfulness, genuineness or otherwise of the allegations made in the complaint. It is a settled principle of law that the inherent power should not be exercised to stifle a legitimate investigation. If the allegations made in the complaint do not constitute the offence much less the offence alleged to have been committed by the petitioners, then this court can quash the proceedings in order to prevent abuse of process of court thereby to secure the ends of justice.

I have carefully perused the material available on record in order to ascertain whether the allegations made in the complaint are patently absurd and inherently improbable thereby to quash the proceedings. The material available on record 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 petitioners submitted that the

concerned Station House Officer may be directed not to arrest the petitioners till completion of investigation.

Taking into consideration the facts and circumstances of the case, the Station House Officer, Bethemcherla Police Station, Kurnool District, is hereby directed not to arrest the petitioners/accused Nos.1 to 4 in Crime No.320 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: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)