

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.2619 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/A-4 to A-6 in Crime No.03 of 2016 on the file of Devarapalli Police Station, Visakhapatnam District registered for the offences under Sections 420, 384, 509 and 506 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 A-4 to A-6 and the first respondent is the *de facto* complainant in Crime No.03 of 2016. As per the allegations made in the complaint, on 26.11.2008, the first respondent executed a security deed in favour of A-1 at the instance of the petitioners. It is further alleged that the petitioners herein played fraud and obtained sale deed in favour of A-1. It is also alleged that the petitioners herein threatened the first respondent with dire consequences.
4. The contention of the learned counsel for the petitioners is that the petitioners are not parties to the sale deed dated 26.11.2008. He further submitted that the first respondent foisted a false case against the petitioners for the reasons best known to him.
5. 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. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation only.
6. 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.

7. Having regard to the facts and circumstances of the case and also the principles 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 the concerned Station House Officer may be directed not to arrest the petitioners. Having regard to the facts and circumstances of the case, the Station House Officer, Devarapalli Police Station, Visakhapatnam District is hereby directed not to arrest the petitioners/A-4 to A-6 till completion of investigation in Crime No.03 of 2016.

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

JUSTICE T.SUNIL CHOWDARY

Date:01.3.2016
AMD

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AMD

[\[1\]](#) A.I.R. 1960 S.C. 866
[\[2\]](#) A.I.R. 1992 S.C. 604
[\[3\]](#) (2009) 3 S.C.C. 78
[\[4\]](#) 2015 (1) A.C.R. 564 (SC)