THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1581 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/accused in Crime No.13 of 2016 on the file of Station House Officer, CCC Naspur Police Station, Adilabad District registered for the offence under Section 420 IPC.

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

3. The petitioner is sole accused and the second respondent is *de facto* complainant in Crime No.13 of 2016. As per the allegations made in the complaint, the second respondent purchased an extent of 385 Sq.yards in survey No.40 of Naspur village under registered sale deed dated 12.10.2010 from the petitioner. The second respondent along with one Boddu Venkateswarlu has purchased another extent of Acs.1.05 guntas in survey No.40 of Naspur village under registered sale deed dated 11.11.2010 from the petitioner. It is further alleged that the second respondent came to know that the petitioner sold the land covered under registered sale deeds dated 12.10.2010 and 11.11.2010 without any right whatsoever. The gist of the allegations made in the complaint is that the petitioner cheated the second respondent.

4. The learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner. A perusal of the record reveals that the second respondent and petitioner have filed W.P. No.13693 of 2015 (*sic*

W.P. No.9711 of 2015) against Government Officials and Boddu Venkateswarlu in respect of Acs.1.05 guntas of land in survey No.40/A of Naspur village. The wife of petitioner filed O.S. No.71 of 2015 on the file of the court of Principal Junior Civil Judge, Mancherial against second respondent and Boddu Venkateswarlu. The record also reveals that civil and criminal cases are pending between the parties to the proceedings. If this court expresses any opinion touching the merits of the main case, the same may cause prejudice to any one of the parties to the proceedings. Whether the petitioner has committed the alleged offence or not will come to light during the course of investigation only.

5. 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.

6. 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.

7. 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, CCC Naspur Police Station, Adilabad District is hereby directed not to arrest the

petitioner/accused till completion of investigation in Crime No.13 of 2016.

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

T.SUNIL CHOWDARY, J

February 10, 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)