

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.897 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 3 in Crime No.11 of 2016 on the file of Station House Officer, Suryapet Rural Police Station, Nalgonda District, registered under Sections 465, 468, 471, 420 and 506 IPC and 120(B) IPC.

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

Learned counsel for the petitioners seeks permission of the Court to permit the first petitioner/A1 to withdraw the petition with liberty to avail the remedies available to him under law.

A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.11 of 2016. As per the allegations made in the complaint, A1 created a General Power of Attorney (G.P.A.) by forging the signature of the second respondent and his brothers. It is further alleged that A1 created the GPA with an ulterior motive to cheat the family members of the second respondent taking advantage of their absence in India. It is further alleged that petitioners 2 and 3 have purchased the property from accused No.1 under a registered sale deed dated 27.08.2008 knowing fully well that A1 created a false GPA. If this Court expresses any opinion touching the merits of the main case, it may cause prejudice to one of the parties to the proceedings. Whether the petitioners 2 and 3 are bonafide purchasers for valuable consideration or not will come to light during the course of investigation only.

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, Suryapet Rural Police Station, Nalgonda District, is hereby directed not to arrest the petitioners 2 and 3/accused Nos.2 and 3 in Crime No.11 of 2016 till completion of investigation.

With the above direction, the Criminal Petition is dismissed so far as the petitioners 2 and 3/A2 and A3 are concerned. Criminal petition is dismissed as withdrawn so far as the first petitioner/A1 is concerned with liberty to avail the remedies available to him under law. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date:28.01.2016

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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)